

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 19-0230.02 Conrad Imel x2313

SENATE BILL 19-008

SENATE SPONSORSHIP

Priola and Pettersen, Bridges, Court, Fenberg, Foote, Garcia, Ginal, Gonzales, Lee, Moreno, Rodriguez, Story, Tate, Todd, Williams A., Winter

HOUSE SPONSORSHIP

Kennedy and Singer,

Senate Committees

Judiciary
Finance
Appropriations

House Committees

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Appropriations

A BILL FOR AN ACT

101 **CONCERNING TREATMENT OF INDIVIDUALS WITH SUBSTANCE USE**
102 **DISORDERS WHO COME INTO CONTACT WITH THE CRIMINAL**
103 **JUSTICE SYSTEM, AND, IN CONNECTION THEREWITH, MAKING AN**
104 **APPROPRIATION.**

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.
Section 1 of the bill requires the Colorado commission on criminal and juvenile justice to study and make recommendations concerning:

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.

HOUSE
Amended 2nd Reading
April 29, 2019

SENATE
3rd Reading Unamended
April 24, 2019

SENATE
Amended 2nd Reading
April 23, 2019

- ! Alternatives to filing criminal charges against individuals with substance use disorders who have been arrested for drug-related offenses;
- ! Best practices for investigating unlawful opioid distribution in Colorado; and
- ! A process for automatically sealing criminal records for drug offense convictions.

Section 2 of the bill requires the department of corrections (DOC) to allow medication-assisted treatment to be provided to persons who were receiving treatment in a local jail prior to being transferred to the custody of the DOC. The DOC may enter into agreements with community agencies and organizations to assist in the development and administration of medication-assisted treatment.

Section 3 of the bill contains a legislative declaration that the substance abuse trend and response task force should formulate a response to current and emerging substance abuse problems from the criminal justice, prevention, and treatment sectors that includes the use of drop-off treatment services, mobile and walk-in crisis centers, and withdrawal management programs as an alternative to entry into the criminal justice system for offenders of low-level drug offenses.

Section 4 of the bill directs the department of health care policy and financing to seek federal authorization under the Medicaid program for treatment of substance use disorders for persons confined in jails.

Section 5 of the bill creates a simplified process for sealing convictions for level 4 drug felonies, all drug misdemeanors, and any offense committed prior to October 1, 2013, that would have been a level 4 drug felony or drug misdemeanor if committed on or after October 1, 2013. A defendant may file a motion to seal records 3 years or more after final disposition of the criminal proceedings. Conviction records may be sealed only after a hearing and upon court order.

Section 6 of the bill requires jails that receive funding through the jail-based behavioral health services program to allow medication-assisted treatment to be provided to individuals in the jail. The jail may enter into agreements with community agencies and organizations to assist in the development and administration of medication-assisted treatment.

Section 7 of the bill provides an appropriation, including for the following programs funded through the annual long appropriations act:

- ! Increasing from 4 to 10 the number of the law-enforcement-assisted diversion pilot programs; and
- ! Increasing coresponder funding for criminal justice diversion pilot programs in the office of behavioral health in the department of human services.

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

2 **SECTION 1.** In Colorado Revised Statutes, 16-11.3-103, **add**
3 (2)(h) as follows:

4 **16-11.3-103. Duties of the commission - mission - staffing -**
5 **report - definition - repeal.** (2) The commission shall have the
6 following duties:

7 (h) (I) TO STUDY AND MAKE RECOMMENDATIONS ON THE
8 FOLLOWING ISSUES CONCERNING INDIVIDUALS WITH SUBSTANCE USE
9 DISORDERS WHO COME INTO CONTACT WITH THE CRIMINAL JUSTICE
10 SYSTEM:

11 (A) ALTERNATIVES TO FILING CRIMINAL CHARGES AGAINST
12 INDIVIDUALS WITH SUBSTANCE USE DISORDERS WHO HAVE BEEN ARRESTED
13 FOR DRUG-RELATED OFFENSES;

14 (B) BEST PRACTICES FOR INVESTIGATING UNLAWFUL OPIOID
15 DISTRIBUTION IN COLORADO, INCLUDING THE POTENTIAL CREATION OF
16 BLACK MARKET OPIOID INVESTIGATORY ENTITIES AT THE STATE AND
17 LOCAL LEVELS; AND

18 (C) A PROCESS FOR AUTOMATICALLY SEALING CRIMINAL RECORDS
19 OF CONVICTIONS FOR DRUG OFFENSES.

20 (II) ON OR BEFORE JULY 1, 2020, THE COMMISSION SHALL PROVIDE
21 A REPORT WITH ITS FINDINGS AND RECOMMENDATIONS MADE PURSUANT
22 TO THIS SUBSECTION (2)(h) TO THE JUDICIARY AND THE PUBLIC HEALTH
23 CARE AND HUMAN SERVICES COMMITTEES OF THE HOUSE OF
24 REPRESENTATIVES AND THE JUDICIARY AND THE HEALTH AND HUMAN
25 SERVICES COMMITTEES OF THE SENATE, OR ANY SUCCESSOR COMMITTEES.

26 (III) THIS SUBSECTION (2)(h) IS REPEALED, EFFECTIVE JUNE 30,
27 2021.

1 **SECTION 2.** In Colorado Revised Statutes, 17-1-113.8, **add** (3)
2 as follows:

3 **17-1-113.8. Persons with serious behavioral or mental health**
4 **disorders - long-term isolated confinement - work group -**
5 **medication-assisted treatment.** (3) (a) THE DEPARTMENT SHALL ALLOW
6 MEDICATION-ASSISTED TREATMENT, AS IT IS DEFINED IN SECTION
7 23-21-803, TO BE PROVIDED TO INDIVIDUALS WHO ARE PLACED IN THE
8 CUSTODY OF THE DEPARTMENT WHO WERE RECEIVING SUCH TREATMENT
9 IN A LOCAL JAIL PRIOR TO BEING PLACED IN THE CUSTODY OF THE
10 DEPARTMENT.

11 (b) THE DEPARTMENT MAY ENTER INTO AGREEMENTS WITH
12 COMMUNITY AGENCIES, BEHAVIORAL HEALTH ORGANIZATIONS, AND
13 SUBSTANCE USE DISORDER TREATMENT ORGANIZATIONS TO ASSIST IN THE
14 DEVELOPMENT AND ADMINISTRATION OF MEDICATION-ASSISTED
15 TREATMENT PURSUANT TO THIS SECTION.

16 **SECTION 3.** In Colorado Revised Statutes, 18-18.5-101, **amend**
17 (3)(b) as follows:

18 **18-18.5-101. Legislative declaration.** (3) The general assembly,
19 therefore, determines and declares that it is necessary to change the state
20 methamphetamine task force into a substance abuse trend and response
21 task force to:

22 (b) Formulate a response to current and emerging substance ~~abuse~~
23 USE DISORDER problems from the criminal justice, prevention, and
24 treatment sectors, INCLUDING THE USE OF DROP-OFF TREATMENT SERVICES,
25 MOBILE AND WALK-IN CRISIS CENTERS, AND WITHDRAWAL MANAGEMENT
26 PROGRAMS, RATHER THAN CONTINUED CRIMINAL JUSTICE INVOLVEMENT
27 FOR OFFENDERS OF LOW-LEVEL DRUG OFFENSES; and

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SECTION 4. In Colorado Revised Statutes, **add** 24-72-705.5 as follows:

24-72-705.5. Sealing of criminal conviction records information for offenses involving possession of controlled substances - simplified process - processing fee. (1) Sealing of conviction records.

(a) (I) SUBJECT TO THE LIMITATIONS DESCRIBED IN SUBSECTION (3) OF THIS SECTION, A DEFENDANT MAY PETITION THE DISTRICT COURT OF THE DISTRICT, OR THE MUNICIPAL COURT IN ANY MUNICIPALITY, IN WHICH ANY CONVICTION RECORDS FOR CERTAIN OFFENSES INVOLVING CONTROLLED SUBSTANCES PERTAINING TO THE DEFENDANT ARE LOCATED FOR THE SEALING OF THE CONVICTION RECORDS, EXCEPT BASIC IDENTIFYING INFORMATION, IF:

(A) THE PETITION IS FILED THREE OR MORE YEARS AFTER THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST THE DEFENDANT OR THE RELEASE OF THE DEFENDANT FROM SUPERVISION CONCERNING A CRIMINAL CONVICTION, WHICHEVER IS LATER; AND

(B) THE DEFENDANT HAS NOT BEEN CHARGED OR CONVICTED FOR A CRIMINAL OFFENSE IN THE THREE OR MORE YEARS SINCE THE DATE OF THE FINAL DISPOSITION OF ALL CRIMINAL PROCEEDINGS AGAINST HIM OR HER OR THE DATE OF THE DEFENDANT'S RELEASE FROM SUPERVISION, WHICHEVER IS LATER.

(II) THE PETITION SHALL BE MADE BY THE DEFENDANT THROUGH THE FILING OF A PETITION IN WRITING IN THE CRIMINAL CASE FOR WHICH THE DEFENDANT WAS CONVICTED WITH WRITTEN NOTICE AND A COPY OF THE PETITION PROVIDED TO THE PROSECUTING ATTORNEY.

(b) (I) UPON THE FILING OF A PETITION IN THE CRIMINAL CASE, THE

1 COURT SHALL REVIEW THE PETITION AND DETERMINE WHETHER THERE ARE
2 GROUNDS UNDER THIS SECTION TO PROCEED TO A HEARING ON THE
3 PETITION. IF THE COURT DETERMINES THAT THE PETITION ON ITS FACE IS
4 INSUFFICIENT OR IF THE COURT DETERMINES THAT, AFTER TAKING
5 JUDICIAL NOTICE OF MATTERS OUTSIDE THE PETITION, THE DEFENDANT IS
6 NOT ENTITLED TO RELIEF UNDER THIS SECTION, THE COURT SHALL ENTER
7 AN ORDER DENYING THE PETITION AND MAIL A COPY OF THE ORDER TO THE
8 DEFENDANT. THE COURT'S ORDER SHALL SPECIFY THE REASONS FOR THE
9 DENIAL OF THE PETITION.

10 (II) IF THE COURT DETERMINES THAT THE PETITION IS SUFFICIENT
11 ON ITS FACE AND THAT NO OTHER GROUNDS EXIST AT THAT TIME FOR THE
12 COURT TO DENY THE PETITION UNDER THIS SECTION, THE COURT SHALL SET
13 A DATE FOR A HEARING, AND THE COURT SHALL NOTIFY ALL PARTIES OF
14 THE DATE OF THE HEARING.

15 (c) (I) AFTER THE HEARING DESCRIBED IN SUBSECTION (1)(b)(II)
16 OF THIS SECTION IS CONDUCTED AND IF THE COURT FINDS THAT THE HARM
17 TO THE PRIVACY OF THE DEFENDANT OR THE DANGERS OF UNWARRANTED,
18 ADVERSE CONSEQUENCES TO THE DEFENDANT OUTWEIGH THE PUBLIC
19 INTEREST IN RETAINING THE CONVICTION RECORDS, THE COURT MAY
20 ORDER THE CONVICTION RECORDS, EXCEPT BASIC IDENTIFYING
21 INFORMATION, TO BE SEALED.

22 (II) IN MAKING A DETERMINATION PURSUANT TO THIS SUBSECTION
23 (1)(c), THE COURT SHALL, AT A MINIMUM, CONSIDER THE SEVERITY OF THE
24 OFFENSE THAT IS THE BASIS OF THE CONVICTION RECORDS SOUGHT TO BE
25 SEALED, THE CRIMINAL HISTORY OF THE DEFENDANT, THE NUMBER OF
26 CONVICTIONS AND DATES OF THE CONVICTIONS FOR WHICH THE
27 DEFENDANT IS SEEKING TO HAVE THE RECORDS SEALED, AND THE NEED

1 FOR THE GOVERNMENT AGENCY TO RETAIN THE RECORDS. IF THE PERSON
2 IN INTEREST HAS SUCCESSFULLY COMPLETED A VETERANS TREATMENT
3 PROGRAM ESTABLISHED PURSUANT TO SECTION 13-5-144 IN THE CASE
4 THAT IS THE SUBJECT OF THE PETITION TO SEAL OR ANY OTHER SUBSTANCE
5 USE TREATMENT PROGRAM, THE COURT SHALL CONSIDER SUCH FACTOR
6 FAVORABLY IN DETERMINING WHETHER TO ISSUE AN ORDER TO SEAL
7 RECORDS PURSUANT TO THIS SECTION.

8 (d) WHEN THE COURT SEALS CONVICTION RECORDS PURSUANT TO
9 THIS SECTION, THE COURT SHALL PROVIDE A COPY OF THE COURT ORDER
10 TO THE COLORADO BUREAU OF INVESTIGATION, AND THE DEFENDANT
11 SHALL PAY TO THE BUREAU ANY COSTS RELATED TO THE SEALING OF HIS
12 OR HER CONVICTION RECORDS IN THE CUSTODY OF THE BUREAU. THE
13 COURT SHALL ALSO PROVIDE A COPY OF THE COURT ORDER TO EACH
14 CUSTODIAN WHO MAY HAVE CUSTODY OF ANY RECORDS SUBJECT TO THE
15 ORDER. THE DEFENDANT SHALL PROVIDE TO THE COURT, IN CONJUNCTION
16 WITH THE PETITION, A LIST OF ALL AGENCY CUSTODIANS WHO MAY HAVE
17 CUSTODY OF ANY RECORDS SUBJECT TO THE ORDER. ADDITIONALLY, THE
18 DEFENDANT MAY ALSO PROVIDE A COPY OF THE ORDER TO ANY OTHER
19 CUSTODIAN OF RECORDS SUBJECT TO THE ORDER. EACH CUSTODIAN THAT
20 RECEIVES A COPY OF THE ORDER SHALL REMOVE THE RECORDS THAT ARE
21 SUBJECT TO THE ORDER FROM ITS RECORDS.

22 (e) THE PROVISIONS OF SECTION 24-72-702 (1)(d) TO (1)(g) AND
23 SECTION 24-72-702 (4) APPLY TO THIS SECTION.

24 (f) THIS SECTION DOES NOT APPLY TO RECORDS THAT ARE SUBJECT
25 TO THE PROCEDURE SET FORTH IN SECTION 18-13-122 (13).

26 (2) (a) A DEFENDANT PETITIONING TO HAVE HIS OR HER
27 CONVICTION RECORDS SEALED UNDER THIS SECTION SHALL PAY A

1 PROCESSING FEE OF SIXTY-FIVE DOLLARS TO COVER THE ACTUAL COSTS
2 RELATED TO THE SEALING OF THE CONVICTION RECORDS, WHICH MAY BE
3 WAIVED BY THE COURT UPON A DETERMINATION OF INDIGENCY.

4 (b) WHEN THE MOTION TO SEAL THE CRIMINAL CASE IS FILED IN
5 STATE COURT, THE PROCESSING FEES COLLECTED UNDER SUBSECTION
6 (2)(a) OF THIS SECTION MUST BE TRANSMITTED TO THE STATE TREASURER
7 AND CREDITED TO THE JUDICIAL STABILIZATION CASH FUND CREATED IN
8 SECTION 13-32-101 (6).

9 (c) WHEN THE MOTION TO SEAL THE CRIMINAL CASE IS FILED IN
10 MUNICIPAL COURT, THE PROCESSING FEES COLLECTED UNDER SUBSECTION
11 (2)(a) OF THIS SECTION MUST BE REPORTED AND PAID AS MUNICIPAL COSTS
12 AND MUST BE TRANSMITTED TO THE TREASURER OF THE MUNICIPALITY
13 AND DEPOSITED IN THE GENERAL FUND OF THE MUNICIPALITY PURSUANT
14 TO SECTION 13-10-115.

15 (3) **Applicability.** (a) THE PROVISIONS OF THIS SECTION APPLY
16 ONLY TO CONVICTION RECORDS PERTAINING TO JUDGMENTS OF
17 CONVICTION ENTERED FOR:

18 (I) ANY CONVICTION FOR A VIOLATION OF A PROVISION OF ARTICLE
19 18 OF TITLE 18 WHEN THE CONVICTION IS FOR A LEVEL 4 DRUG FELONY OR
20 ANY DRUG MISDEMEANOR INVOLVING THE POSSESSION OF A CONTROLLED
21 SUBSTANCE;

22 (II) ANY CONVICTION FOR A VIOLATION PRIOR TO OCTOBER 1,
23 2013, OF A PROVISION OF ARTICLE 18 OF TITLE 18 WHEN THE CONVICTION
24 IS FOR A FELONY OR MISDEMEANOR OFFENSE WHEN THE UNDERLYING
25 FACTUAL BASIS OF THE OFFENSE DEMONSTRATES THAT THE OFFENSE
26 WOULD HAVE BEEN CLASSIFIED AS A LEVEL 4 DRUG FELONY OR DRUG
27 MISDEMEANOR INVOLVING THE POSSESSION OF A CONTROLLED SUBSTANCE

1 IF THE OFFENSE HAD BEEN COMMITTED ON OR AFTER OCTOBER 1, 2013;

2 AND

3 (III) ANY CONVICTION FOR A VIOLATION OF ANY MUNICIPAL CODE
4 WHERE THE OFFENSE INVOLVES THE POSSESSION OF A CONTROLLED
5 SUBSTANCE.

6 (b) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
7 CONTRARY, MOTIONS FILED UNDER THIS SECTION ARE PROCEDURAL IN
8 NATURE, AND SEALING PURSUANT TO THIS SECTION APPLIES
9 RETROACTIVELY FOR ALL ELIGIBLE CASES.

10 (c) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO
11 CONVICTION RECORDS THAT ARE IN THE POSSESSION OF A CRIMINAL
12 JUSTICE AGENCY WHEN AN INQUIRY CONCERNING THE CONVICTION
13 RECORDS IS MADE BY ANOTHER CRIMINAL JUSTICE AGENCY.

14 **SECTION 5. In Colorado Revised Statutes, add part 9 to article**
15 **20.5 of title 25 as follows:**

16 **PART 9**

17 **HARM REDUCTION GRANT PROGRAM**

18 **25-20.5-901. Harm reduction grant program - creation -**
19 **application - permissible uses - department duties. (1) SUBJECT TO**
20 **AVAILABLE APPROPRIATIONS, THE DEPARTMENT SHALL DEVELOP AND**
21 **IMPLEMENT A HARM REDUCTION GRANT PROGRAM, REFERRED TO IN THIS**
22 **SECTION AS THE "GRANT PROGRAM", TO REDUCE HEALTH RISKS**
23 **ASSOCIATED WITH DRUG USE AND IMPROVE COORDINATION BETWEEN LAW**
24 **ENFORCEMENT AGENCIES, PUBLIC HEALTH AGENCIES, AND**
25 **COMMUNITY-BASED ORGANIZATIONS. THE DEPARTMENT MAY CONTRACT**
26 **WITH AN INDEPENDENT ENTITY FOR THE ADMINISTRATION OF THE GRANT**
27 **PROGRAM.**

1 (2) TO BE ELIGIBLE TO RECEIVE GRANT FUNDING PURSUANT TO
2 THIS PART 9, AN ENTITY MUST BE A NONPROFIT ORGANIZATION IN GOOD
3 STANDING AND REGISTERED WITH THE FEDERAL INTERNAL REVENUE
4 SERVICE AND THE COLORADO SECRETARY OF STATE'S OFFICE, A LOCAL
5 PUBLIC HEALTH AGENCY ESTABLISHED PURSUANT TO SECTION 25-1-506,
6 OR A LAW ENFORCEMENT AGENCY. GRANTEES MUST BE WILLING TO
7 PROVIDE SERVICES TO INDIVIDUALS WHO MAY NOT BE READY TO SEEK
8 ADDICTION TREATMENT SERVICES OR WHO ARE IN RECOVERY.

9 (3) ON OR BEFORE NOVEMBER 1, 2019, THE DEPARTMENT SHALL
10 DEVELOP:

11 (a) ELIGIBILITY CRITERIA FOR NONPROFIT ORGANIZATIONS, LOCAL
12 PUBLIC HEALTH AGENCIES, AND LAW ENFORCEMENT AGENCIES;

13 (b) THE GRANT APPLICATION PROCESS AND SCHEDULE;

14 (c) A PROCESS FOR DETERMINING THE AMOUNT OF EACH GRANT
15 THAT IS AWARDED; AND

16 (d) THE PERFORMANCE METRICS AND DATA COLLECTION REQUIRED
17 OF GRANTEES.

18 (4) (a) PERMISSIBLE USES OF FUNDING PROVIDED PURSUANT TO
19 THIS GRANT PROGRAM INCLUDE, BUT ARE NOT LIMITED TO:

20 (I) TRAININGS RELEVANT TO THE FIELD OF HARM REDUCTION,
21 WHICH MAY INCLUDE HOW TO ADMINISTER NALOXONE;

22 (II) PURCHASING AND PROVIDING STERILE EQUIPMENT AND
23 SYRINGE DISPOSAL EQUIPMENT;

24 (III) PROVIDING DIRECT SERVICES TO PERSONS WHO HAVE COME
25 INTO CONTACT WITH OR WHO ARE AT RISK OF COMING INTO CONTACT WITH
26 THE CRIMINAL JUSTICE SYSTEM, WHICH MAY INCLUDE ACCESSING
27 TREATMENT AND HEALTH CARE SERVICES, OVERDOSE PREVENTION

1 ACTIVITIES, AND RECOVERY SUPPORT SERVICES;

2 (IV) OUTREACH AND ENGAGEMENT TO PEOPLE WHO COME INTO
3 CONTACT WITH OR WHO ARE AT-RISK OF COMING INTO CONTACT WITH THE
4 CRIMINAL JUSTICE SYSTEM AND WHO ARE IN NEED OF MENTAL HEALTH OR
5 SUBSTANCE USE DISORDER SERVICES;

6 (V) FACILITATING COMMUNICATION, TRAINING, AND TECHNICAL
7 ASSISTANCE AMONG LAW ENFORCEMENT AGENCIES, PUBLIC HEALTH
8 AGENCIES, AND COMMUNITY-BASED HARM REDUCTION AGENCIES;

9 (VI) COORDINATING LOCAL EFFORTS REGARDING CO-RESPONDER
10 AND DIVERSION PROGRAMS; AND

11 (VII) AURICULAR ACUETOX TRAINING AND SERVICES.

12 (b) IN ORDER TO ENSURE GRANTEEES ARE COORDINATING EFFORTS
13 ACROSS PUBLIC HEALTH AND CRIMINAL JUSTICE SYSTEMS AT THE LOCAL
14 LEVEL, FUNDING MAY BE USED TO SUPPORT A HARM REDUCTION AND LAW
15 ENFORCEMENT LIAISON WHO HAS EXPERIENCE WORKING WITH
16 COMMUNITY-BASED ORGANIZATIONS, LOCAL PUBLIC HEALTH AGENCIES,
17 AND LAW ENFORCEMENT AGENCIES.

18 (5) THE DEPARTMENT SHALL NOT AWARD ANY GRANT MONEY IN
19 EXCESS OF THE AMOUNT IN THE HARM REDUCTION GRANT PROGRAM CASH
20 FUND CREATED PURSUANT TO SECTION 25-20.5-902.

21 **25-20.5-902. Harm reduction grant program cash fund -**
22 **creation. (1) THE HARM REDUCTION GRANT PROGRAM CASH FUND,**
23 **REFERRED TO IN THIS SECTION AS THE "FUND", IS CREATED IN THE STATE**
24 **TREASURY. THE FUND CONSISTS OF MONEY THAT THE GENERAL ASSEMBLY**
25 **MAY APPROPRIATE OR TRANSFER TO THE FUND.**

26 (2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
27 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE

1 FUND TO THE FUND.

2 (3) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
3 ASSEMBLY, THE DEPARTMENT MAY EXPEND MONEY FROM THE FUND FOR
4 THE PURPOSES OF THIS PART 9.

5 (4) THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED
6 AND UNENCUMBERED MONEY IN THE FUND ON SEPTEMBER 1, 2024, TO THE
7 GENERAL FUND.

8 **25-20.5-903. Rules.** THE DEPARTMENT MAY PROMULGATE RULES
9 AS NECESSARY FOR THE IMPLEMENTATION OF THIS PART 9.

10 **25-20.5-904. Repeal of part - sunset review.** THIS PART 9 IS
11 REPEALED, EFFECTIVE SEPTEMBER 1, 2024. BEFORE ITS REPEAL, THE
12 DEPARTMENT OF REGULATORY AGENCIES SHALL REVIEW THE GRANT
13 PROGRAM IN ACCORDANCE WITH SECTION 24-34-104.

14 **SECTION 6.** In Colorado Revised Statutes, 24-34-104, **add**
15 (25)(a)(XX) as follows:

16 **24-34-104. General assembly review of regulatory agencies**
17 **and functions for repeal, continuation, or reestablishment - legislative**
18 **declaration - repeal.** (25) (a) The following agencies, functions, or both,
19 are scheduled for repeal on September 1, 2024:

20 (XX) THE HARM REDUCTION GRANT PROGRAM CREATED IN
21 SECTION 25-20.5-901.

22 **SECTION 7.** In Colorado Revised Statutes, 27-60-106, **add** (5)
23 as follows:

24 **27-60-106. Jail-based behavioral health services program -**
25 **purpose - created - funding.** (5) (a) THE OFFICE SHALL REQUIRE A
26 COUNTY JAIL THAT RECEIVES FUNDING THROUGH THE PROGRAM TO HAVE
27 A POLICY IN PLACE ON OR BEFORE JANUARY 1, 2020, THAT DESCRIBES HOW

1 MEDICATION-ASSISTED TREATMENT, AS IT IS DEFINED IN SECTION
2 23-21-803, WILL BE PROVIDED, WHEN NECESSARY, TO INDIVIDUALS
3 CONFINED IN THE COUNTY JAIL.

4 (b) A SHERIFF WHO IS THE CUSTODIAN OF A COUNTY JAIL OR CITY
5 AND COUNTY JAIL MAY ENTER INTO AGREEMENTS WITH COMMUNITY
6 AGENCIES, BEHAVIORAL HEALTH ORGANIZATIONS, AND SUBSTANCE USE
7 DISORDER TREATMENT ORGANIZATIONS TO ASSIST IN THE DEVELOPMENT
8 AND ADMINISTRATION OF MEDICATION-ASSISTED TREATMENT IN THE JAIL.

9 **SECTION 8. Appropriation.** (1) For the 2019-20 state fiscal
10 year, \$1,963,832 is appropriated to the department of human services for
11 use by the office of behavioral health. This appropriation is from the
12 general fund. To implement this act, the office may use this appropriation
13 as follows:

14 (a) \$58,412 for personal services related to community behavioral
15 health administration, which amount is based on an assumption that the
16 office will require an additional 0.7 FTE;

17 (b) \$5,368 for operating expenses related to community behavioral
18 health administration;

19 (c) \$735,000 for treatment and detoxification programs; and

20 (d) \$1,165,052 for criminal justice diversion programs, which
21 amount is based on an assumption that the office will require an
22 additional 0.8 FTE.

23 (2) For the 2019-20 state fiscal year, \$492,750 is appropriated to
24 the department of corrections. This appropriation is from the general
25 fund. To implement this act, the department may use this appropriation
26 as follows:

27 (a) \$370,492 for personal services related to the medical services

1 subprogram, which amount is based on an assumption that the department
2 will require an additional 1.6 FTE;

3 (b) \$900 for operating expenses related to the medical services
4 subprogram;

5 (c) \$9,406 for start-up costs related to the medical services
6 subprogram;

7 (d) \$111,142 for purchase of pharmaceuticals related to the
8 medical services subprogram; and

9 (e) \$810 for operating expenses related to the communications
10 subprogram.

11 (3) For the 2019-20 state fiscal year, \$1,800,000 is appropriated to
12 the harm reduction grant program cash fund created in section
13 25-20.5-902 (1), C.R.S. This appropriation is from the marijuana tax cash
14 fund created in section 39-28.8-501 (1), C.R.S. The department of public
15 health and environment is responsible for the accounting related to this
16 appropriation.

17 (4) For the 2019-20 state fiscal year, \$1,800,000 is appropriated
18 to the department of public health and environment for use by the
19 prevention services division. This appropriation is from reappropriated
20 funds in the harm reduction grant program cash fund under subsection (3)
21 of this section and is based on an assumption that the division will require
22 an additional 1.8 FTE. The division may use this appropriation to
23 implement the harm reduction grant program authorized in section
24 25-20.5-901, C.R.S.

25 (5) For the 2019-20 state fiscal year, \$40,300 is appropriated to the
26 department of public safety for use by the division of criminal justice.
27 This appropriation is from the general fund. The division may use this

1 appropriation for DCJ administrative services.

2 **SECTION 9. Act subject to petition - effective date.** (1) Except
3 as otherwise provided in subsection (2) of this section, this act takes
4 effect at 12:01 a.m. on the day following the expiration of the ninety-day
5 period after final adjournment of the general assembly (August 2, 2019,
6 if adjournment sine die is on May 3, 2019); except that, if a referendum
7 petition is filed pursuant to section 1 (3) of article V of the state
8 constitution against this act or an item, section, or part of this act within
9 such period, then the act, item, section, or part will not take effect unless
10 approved by the people at the general election to be held in November
11 2020 and, in such case, will take effect on the date of the official
12 declaration of the vote thereon by the governor.

13 (2) Section 4 of this act takes effect only if House Bill 19-1275
14 does not become law.