

Fentanyl Accountability and Prevention Bill (HB 22-1326) Summary

The [Fentanyl Accountability and Prevention Bill \(HB 22-1326\)](#) is a lengthy piece of legislation. This is a summary of each of the bill's 29 sections. Please [review the bill](#) for additional details. This summary is up to date through March 31; amendments are likely to be proposed that would change the bill. Please consult [the legislature's website](#) to track its progress.

- [Go to legislature's summary of the bill](#)
- [Go to text of the bill](#)

HB22-1326: Fentanyl Accountability and Prevention

Section 1: Legislative declaration

Section 2-6: Addresses the proposed criminal penalties for unlawful possession of synthetic opiates and for unlawful manufacturing, distributing, and dispensing of synthetic opiates. See [the legislature's bill summary](#) for details about the proposed penalties.

Sections 7, 8 and 10: Mandates courts to require a substance use disorder assessment for a person's amenability to treatment upon conviction of an offense related to synthetic opioids and treatment placement as a condition of deferred judgement or probation and participation in fentanyl education program.

Section 9 and 11: Applies a fentanyl education program requirement to sentencing for crimes related to synthetic opiates.

Section 12: Expands the state's opiate antagonist (naloxone) prescription standing order to additional entities, which will allow those entities to apply for naloxone through the Colorado Naloxone Bulk Purchase Fund.

Section 13: Amends the statute for immunity from liability from any civil damages in furnishing and administering an opiate antagonist to the entities listed in Section 12.

Section 14: Creates a new statute regarding immunity of liability for furnishing and distributing non-laboratory synthetic opiate detection tests (e.g. fentanyl test strips). A non-laboratory synthetic opiate detection tests is defined in this bill as a product that is approved by the federal Food and Drug Administration and is intended or designed to detect the presence of a synthetic opiate.

Sections 15 and 16: Requires continuity of care for individuals with an opioid or other substance use disorder and furnishes an opiate antagonist, if requested by the individuals, and provides a referral to a community provider for medication-assisted treatment.

Section 17: Requires community corrections to assess individuals living in a community corrections program for substance use withdrawal and develop protocols for medical detoxification monitoring, withdrawal management and medication-assisted treatment.

Section 18: Expands the list of persons or entities that are immune from liability for administration of an opiate antagonist to those listed in Section 12.

Section 19: Allows the Correction Treatment Board to direct money from the Correction Treatment Cash Fund for overdose prevention, including medication-assisted treatment and for furnishing non-laboratory synthetic opiate test strips.

Section 20: Allows schools to furnish non-laboratory synthetic opiate test strips.

Section 21: Appropriates \$20 million from ARPA funds to the naloxone bulk purchase fund in the Colorado Department of Public Health and Environment (CDPHE) for SFY 2022-2023 with a repeal date of July 1, 2024, and expands eligible entities that can request an receive opiate antagonists from the bulk purchase fund to those listed in Section 12.

Section 22: Appropriates \$300,000 to CDPHE for purchasing non-laboratory synthetic opiate detection tests for distribution to eligible entities listed in Section 12; CDPHE is authorized to prioritize distribution based on need of each entity.

Section 23: Subject to available appropriations, mandates CDPHE to develop, implement, and maintain a statewide prevention and education campaign regarding the dangers of fentanyl, resources for addiction treatment and services, and laws regarding fentanyl, including criminal penalties and immunity for reporting on an overdose event; the campaign can include use of various media and a website, and conduct five regional trainings for community partners to implement youth health development strategies during FY 2022-2023.

Section 24: Amends and expands eligible entities for the Harm Reduction Grant Program administered by CDPHE to include nonprofit organizations, local public health agencies, tribal agencies or programs, Federally Qualified Health Centers, Community Mental Health Centers, and law enforcement agencies. Allows for use of grant fund for general operating expenses and direct and indirect costs, including trainings in administering opiate antagonists, overdose prevention, safer substance use practices, safe disposal, and access to opiate antagonists and non-laboratory synthetic opiate detection tests.

Section 25: Appropriates \$6 million from ARPA funds for the Harm Reduction Grant Program Cash Fund for FY 2022-2023 and is repealed July 1, 2024.

Sections 26 and 27: Mandates that county jails that receive Jail-based Behavioral Health Services Program funding to assess individuals booked into jail for substance use withdrawal symptoms, develop protocols for medical detoxification monitoring procedures and appropriates \$3 million from ARPA funds to assist jails with this provision. There is also a requirement for jails that receive jail-based behavioral health services to develop and implement medication-assisted treatment and other withdrawal management care upon release from jail.

Section 28: Mandates Managed Service Organizations (MSOs) to report to the Colorado General Assembly by January 1, 2023, on the number of medication-assisted treatment providers employed by MSOs and who are trained to provide medication-assisted treatment, withdrawal management, recovery services at public high schools and recovery residences.

Section 29: Mandates of Office of Behavioral Health/Behavioral Health Administration to develop a fentanyl education program with information on the nature and addictive elements and dangers of synthetic opiates, access to administration of opiate antagonist and non-laboratory synthetic opiate detection tests, including criminal penalties and immunity for reporting an overdose event.