

CHAPTER 168

HUMAN SERVICES - BEHAVIORAL HEALTH

SENATE BILL 25-164

BY SENATOR(S) Winter F. and Marchman, Amabile, Cutter, Hinrichsen, Jodeh, Kipp, Kolker, Michaelson Jenet, Snyder, Sullivan, Weissman, Coleman;
also REPRESENTATIVE(S) Jackson and Willford, Bacon, Bird, Boesenecker, Bradley, Brown, Caldwell, Clifford, Duran, Froelich, Joseph, Lieder, Lindsay, Mabrey, McCormick, Phillips, Sirota, Smith, Stewart K., Valdez, Winter T., Woodrow, McCluskie.

AN ACT

CONCERNING OPIOID ANTAGONISTS WITH A PRIMARY FOCUS ON THE YOUTH OPIOID EPIDEMIC, AND, IN CONNECTION THEREWITH, CLARIFYING REQUIREMENTS FOR SCHOOL POLICIES ABOUT POSSESSION AND ADMINISTRATION OF OPIOID ANTAGONISTS, REQUIRING THE STATE BOARD OF HEALTH TO DETERMINE WHO A PRESCRIBER MAY PRESCRIBE OR DISPENSE AN OPIOID ANTAGONIST TO, AND REQUIRING THE STATE BOARD TO CONSULT WITH THE COLORADO YOUTH ADVISORY COUNCIL ON ISSUES RELATING TO THE YOUTH OPIOID EPIDEMIC.

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

SECTION 1. In Colorado Revised Statutes, 2-2-1304, **add** (1)(e) and (1)(f) as follows:

2-2-1304. Duties - meetings - community outreach - designation of organization to accept donations - authority to contract. (1) The council shall have the following duties and responsibilities:

(e) TO PRESENT TO THE STATE BOARD OF HEALTH TWICE A YEAR ON ISSUES INCLUDING THE YOUTH OPIOID EPIDEMIC AND OTHER HEALTH ISSUES; AND

(f) TO CONSULT WITH THE PREVENTION SERVICES DIVISION WITHIN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT DURING THE STAKEHOLDER PROCESS FOR RULE-MAKING REGARDING OPIOID ANTAGONISTS.

SECTION 2. In Colorado Revised Statutes, 25-1-108, **add** (6) as follows:

25-1-108. Powers and duties of state board of health - rules. (6) THE BOARD SHALL ALLOW THE COLORADO YOUTH ADVISORY COUNCIL, AS ESTABLISHED IN

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

SECTION 2-2-1302, TO PRESENT TO THE BOARD TWICE A YEAR ON ISSUES INCLUDING THE YOUTH OPIOID EPIDEMIC AND OTHER HEALTH ISSUES.

SECTION 3. In Colorado Revised Statutes, 22-1-119.1, **amend** (1) as follows:

22-1-119.1. Policy for employee and agent possession and administration of opioid antagonists - definitions. (1) A school district board of education of a public school, the state charter school institute for an institute charter school, or the governing board of a nonpublic school may adopt and implement a policy whereby:

(a) A school under its jurisdiction may acquire and maintain a stock supply of opioid antagonists on school grounds; on a school bus operated by a district school, a school district, the charter school institute, an institute charter school, or a nonpublic school; or both. IN ADDITION TO ACQUIRING AND MAINTAINING A STOCK SUPPLY OF OPIOID ANTAGONISTS, THE SCHOOL MAY MAINTAIN AN OPIOID ANTAGONIST IN AN AUTOMATED EXTERNAL DEFIBRILLATOR OR DEFIBRILLATOR CABINET IN THE SCHOOL OR ON A SCHOOL BUS.

(b) An employee or agent of the school, or an employee or agent of a school district, a district school, the charter school institute, an institute charter school, or a nonpublic school who operates or is on a school bus, or both, may ~~after receiving appropriate training~~ administer an opioid antagonist on school grounds or a school bus to assist an individual ~~who~~ WHOM THE EMPLOYEE OR AGENT BELIEVES TO BE SUFFERING FROM AN OPIOID-RELATED DRUG OVERDOSE EVENT OR IS AT RISK OF EXPERIENCING AN OPIOID-RELATED DRUG OVERDOSE EVENT. ~~The training provided pursuant to this subsection (1)(b) must include~~ A SCHOOL DISTRICT BOARD OF EDUCATION OF A PUBLIC SCHOOL, THE STATE CHARTER SCHOOL INSTITUTE FOR AN INSTITUTE CHARTER SCHOOL, OR THE GOVERNING BOARD OF A NONPUBLIC SCHOOL THAT ADOPTS AND IMPLEMENTS A POLICY PURSUANT TO THIS SUBSECTION (1)(b) IS ENCOURAGED TO PROVIDE TRAINING TO ITS EMPLOYEES OR AGENTS, INCLUDING risk factors for overdose, recognizing an overdose, calling emergency medical services, rescue breathing, and administering an opioid antagonist. ~~and~~

(c) An employee or agent of the school may furnish ~~opiate~~ OPIOID antagonists on school grounds or on a school bus to any individual, including a student, but shall only furnish an ~~opiate~~ OPIOID antagonist to a student if the student has received appropriate school-sponsored training; EXCEPT THAT AN EMPLOYEE OR AGENT OF THE SCHOOL MAY FURNISH AN OPIOID ANTAGONIST TO A STUDENT WHO HAS NOT RECEIVED APPROPRIATE SCHOOL-SPONSORED TRAINING IF THE EMPLOYEE OR AGENT BELIEVES THAT THE STUDENT IS IN A POSITION TO ASSIST AN INDIVIDUAL WHO IS SUFFERING FROM AN OPIOID-RELATED DRUG OVERDOSE EVENT OR WHO IS AT RISK OF EXPERIENCING AN OPIOID-RELATED DRUG OVERDOSE EVENT.

SECTION 4. In Colorado Revised Statutes, **add** 25-1.5-115.1 as follows:

25-1.5-115.1. Opioid antagonist distribution - eligible entity list - standing order - annual youth overdose prevention report. (1) THE STATE BOARD OF HEALTH CREATED IN SECTION 25-1-103 SHALL ESTABLISH AN ELIGIBLE ENTITY LIST OF ENTITIES ELIGIBLE TO BE PRESCRIBED OR DISPENSED, DIRECTLY OR IN ACCORDANCE WITH STANDING ORDERS AND PROTOCOLS, AN OPIOID ANTAGONIST FROM A PRESCRIBER.

(2) THE STATE'S CHIEF MEDICAL OFFICER, AS DESCRIBED IN SECTION 25-1-105, MAY GRANT A STANDING ORDER ALLOWING ALL ENTITIES INCLUDED ON THE STATE BOARD OF HEALTH'S ELIGIBLE ENTITY LIST CREATED PURSUANT TO SUBSECTION (1) OF THIS SECTION TO DISTRIBUTE OPIOID ANTAGONISTS, CONSISTENT WITH THE LAWS OF THIS STATE.

(3) BEGINNING IN JANUARY 2026, AND IN JANUARY EACH YEAR THEREAFTER, THE DEPARTMENT SHALL INCLUDE, AS PART OF ITS PRESENTATION DURING ITS "SMART ACT" HEARING REQUIRED BY SECTION 2-7-203, INFORMATION CONCERNING YOUTH OVERDOSE PREVENTION.

SECTION 5. In Colorado Revised Statutes, 25-1.5-115, **amend** (5)(a) as follows:

25-1.5-115. Opioid antagonist bulk purchase fund - creation - rules - report - appropriation - definitions. (5) As used in this section:

(a) "Eligible entity" means ~~a person or~~ AN entity described in section 12-30-110 ~~(1)(a)~~ INCLUDED ON THE STATE BOARD OF HEALTH'S ELIGIBLE ENTITY LIST CREATED PURSUANT TO SECTION 25-1.5-115.1 (1); except that an employee or agent of a school must be acting in accordance with section 12-30-110 (1)(b), (2)(b), and (4)(b) and, as applicable, section 22-1-119.1.

SECTION 6. In Colorado Revised Statutes, 12-30-110, **amend** (1)(a), (1)(b) introductory portion, (2)(b), (3)(c), and (4)(b) as follows:

12-30-110. Prescribing or dispensing opioid antagonists - authorized recipients - definitions. (1) (a) A prescriber may prescribe or dispense, directly or in accordance with standing orders and protocols, an opioid antagonist to AN ENTITY ON THE STATE BOARD OF HEALTH'S ELIGIBLE ENTITY LIST CREATED PURSUANT TO SECTION 25-1.5-115.1 (1).

~~(I) An individual at risk of experiencing an opioid-related drug overdose event;~~

~~(II) A family member, friend, or other person in a position to assist an individual at risk of experiencing an opioid-related drug overdose event;~~

~~(III) An employee or volunteer of a harm reduction organization;~~

~~(IV) A law enforcement agency or first responder;~~

~~(V) A school district, school, or employee or agent of a school or an employee or agent of the school district, a district school, the charter school institute, an institute charter school, or a nonpublic school who operates or is on a school bus;~~

~~(VI) A person described in section 25-20.5-1001;~~

~~(VII) A unit of local government;~~

~~(VIII) An institution of higher education or an employee or agent of the institution of higher education;~~

~~(IX) A library or an employee or agent of the library;~~

~~(X) A community service organization or an employee or agent of the community service organization;~~

~~(XI) A religious organization or an employee or agent of the religious organization;~~

~~(XII) A local jail or an employee or agent of the local jail;~~

~~(XIII) A multijurisdictional jail or an employee or agent of the multijurisdictional jail;~~

~~(XIV) A municipal jail or an employee or agent of the municipal jail;~~

~~(XV) A correctional facility or an employee or agent of the correctional facility;~~

~~(XVI) A private contract prison or an employee or agent of the private contract prison;~~

~~(XVII) A community corrections program or an employee or agent of the community corrections program;~~

~~(XVIII) A pretrial services program or an employee or agent of the pretrial services program;~~

~~(XIX) A probation department or an employee or agent of the probation department;~~

~~(XX) A local public health agency or an employee or agent of the local public health agency; or~~

~~(XXI) A mental health professional.~~

(b) ~~A person or~~ AN ELIGIBLE entity described in ~~subsection (1)(a) of this section~~ SECTION 25-1.5-115.1 (1) may, pursuant to an order or standing orders and protocols:

(2) (b) ~~An ELIGIBLE entity described in subsection (1)(a) of this section~~ SECTION 25-1.5-115.1 (1) is strongly encouraged to educate employees, agents, and volunteers, as well as persons receiving an opioid antagonist from ~~the~~ AN ELIGIBLE entity described in ~~subsection (1)(a) of this section~~ SECTION 25-1.5-115.1 (1), on the use of an opioid antagonist for overdose, including instruction concerning risk factors for overdose, recognizing an overdose, calling emergency medical services, rescue breathing, and administering an opioid antagonist.

(3) A prescriber described in subsection (7)(h) of this section does not engage in unprofessional conduct or is not subject to discipline pursuant to section 12-240-121, 12-255-120, or 12-280-126, as applicable, if the prescriber issues standing orders and protocols regarding opioid antagonists or prescribes or

dispenses, pursuant to an order or standing orders and protocols, an opioid antagonist in a good faith effort to assist:

(c) ~~A person or~~ AN ELIGIBLE entity described in ~~subsection (1)(a) of this section~~ SECTION 25-1.5-115.1 (1), in responding to, treating, or otherwise assisting an individual who is experiencing or is at risk of experiencing an opioid-related drug overdose event or a friend, family member, or other person in a position to assist an at-risk individual.

(4) (b) ~~A person or~~ AN ELIGIBLE entity described in ~~subsection (1)(a) of this section~~ SECTION 25-1.5-115.1 (1) acting in accordance with this section is not subject to civil liability or criminal prosecution, as specified in sections 13-21-108.7 (3) and 18-1-712 (2), respectively.

SECTION 7. In Colorado Revised Statutes, 13-21-108.7, **amend** (3)(b)(I) as follows:

13-21-108.7. Persons rendering emergency assistance through the administration of an opioid antagonist - limited immunity - legislative declaration - definitions. (3) **General immunity.** (b) This subsection (3) also applies to:

(I) ~~A person or~~ AN ELIGIBLE entity described in ~~section 12-30-110(1)(a)~~ SECTION 25-1.5-115.1 (1); except that an employee or agent of a school, or an employee or agent of a school district, a district school, the charter school institute, an institute charter school, or a nonpublic school who operates or is on a school bus, must be acting in accordance with section 12-30-110 (1)(b), (2)(b), and (4)(b), and, as applicable, section 22-1-119.1; and

SECTION 8. In Colorado Revised Statutes, 18-1-712, **amend** (2)(b)(I) as follows:

18-1-712. Immunity for a person who administers an opioid antagonist during an opioid-related drug overdose event - definitions. (2) **General immunity.** (b) This subsection (2) also applies to:

(I) ~~A person or~~ AN ELIGIBLE entity described in ~~section 12-30-110(1)(a)~~ SECTION 25-1.5-115.1 (1); except that an employee or agent of a school, or an employee or agent of a school district, a district school, the charter school institute, an institute charter school, or a nonpublic school who operates or is on a school bus, must be acting in accordance with section 12-30-110 (1)(b), (2)(b), and (4)(b), and, as applicable, section 22-1-119.1; and

SECTION 9. In Colorado Revised Statutes, 18-18-403.5, **amend** (6) as follows:

18-18-403.5. Unlawful possession of a controlled substance - notice to revisor of statutes - repeal. (6) Notwithstanding subsection (2) of this section to the contrary, a peace officer shall not arrest and a district attorney shall not charge or prosecute an employee, agent, or volunteer of an ELIGIBLE entity described in ~~section 12-30-110(1)(a)~~ SECTION 25-1.5-115.1 (1) who, in the performance of the person's duties, is in possession of a controlled substance, including fentanyl,

carfentanil, benzimidazole opiate, or an analog thereof as described in section 18-18-204 (2)(g), for the purpose of safe disposal of the controlled substance, including fentanyl, carfentanil, benzimidazole opiate, or an analog thereof as described in section 18-18-204 (2)(g), in accordance with applicable law. As used in this subsection (6), "safe disposal" means the procedure and process for depositing the controlled substance, including fentanyl, carfentanil, benzimidazole opiate, or an analog thereof as described in section 18-18-204 (2)(g), in a secure container for law enforcement to subsequently access and dispose of.

SECTION 10. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 5, 2025