

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

ENGROSSED

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

LLS NO. 24-0221.01 Jacob Baus x2173

HOUSE BILL 24-1003

HOUSE SPONSORSHIP

McLachlan and Young,

SENATE SPONSORSHIP

Simpson and Michaelson Jenet,

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES RELATED TO HARM REDUCTION FOR**
102 **STUDENTS.**

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>.)

Under current law, a school district, the state charter school institute, or the governing board of a nonpublic school may adopt a policy for a school to maintain a supply of and distribute opiate antagonists. The bill allows the adoption of a similar policy for maintaining a supply of opiate antagonists on school buses and extends existing civil and criminal immunity to school bus operators and other employees present on buses

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
Amended 2nd Reading
February 28, 2024

if they furnish or administer an opiate antagonist in good faith, in addition to other requirements.

Under current law, a school district, the state charter school institute, or the governing board of a nonpublic school may adopt a policy for a school to maintain a supply of and distribute non-laboratory synthetic opiate detection tests. The bill allows the adoption of a similar policy for non-laboratory additive detection tests and extends existing civil immunity provisions to include non-laboratory additive detection tests.

The bill requires a school, school district, or the state charter school institute to allow a student to possess or administer on school grounds, on a school bus, or at any school-sponsored event an opiate antagonist and possess a non-laboratory synthetic opiate detection test or a non-laboratory additive detection test.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds that:

4 (a) Fentanyl, a synthetic opiate painkiller, is killing people who
5 did not know they were consuming it. These deaths are known as fentanyl
6 poisonings.

7 (b) Fentanyl is the most common cause of opiate deaths in the
8 United States;

9 (c) Colorado's drug overdose rate increased fifty percent from
10 May 2019 to May 2021. This is consistent with the national drug
11 overdose rate trend.

12 (d) In 2018, less than ten percent of Colorado's drug overdoses
13 involved fentanyl. In 2021, approximately forty-eight percent of
14 Colorado's drug overdoses involved fentanyl.

15 (e) Fentanyl is approximately one hundred times stronger than
16 morphine and approximately fifty times stronger than heroin. A person
17 can overdose on approximately two milligrams of fentanyl.

1 (f) A variety of drugs, including cocaine, ecstasy, and pills made
2 to look like prescription narcotics, are being laced with fentanyl and
3 causing fentanyl poisonings;

4 (g) Colorado's students are increasingly vulnerable to opiate
5 overdoses as the opiate epidemic continues to plague our state and
6 country. This threat can be significantly decreased by providing to
7 students and parents greater education about the threat of opiates and
8 greater education about and access to opiate antagonists and detection
9 products. Availability of and access to opiate antagonists and detection
10 products enable immediate and effective response in the case of an
11 overdose.

12 (h) It is imperative to provide students with the knowledge, tools,
13 and skills to save their lives and their peers' lives. It is imperative to
14 create connections and communication opportunities with parents and
15 school personnel.

16 (i) People who attend educational harm reduction programs are
17 more likely to voluntarily enter addiction treatment programming; and

18 (j) Under current state law, a school district may establish a policy
19 to maintain a supply of opiate antagonists and allow staff to administer an
20 opiate antagonist to a person experiencing an opiate-related drug
21 overdose if the staff has received training. Current state law also allows
22 broad allowances for the general public to administer an opiate antagonist
23 to a person who is experiencing an opiate-related drug overdose.

24 (2) The general assembly declares it is necessary to build upon the
25 successes of current state law that make opiate antagonists and detection
26 tests available, to create greater accessibility to life-saving tools, and to
27 create greater knowledge for students and parents to save lives and reduce

1 stigmas.

2 **SECTION 2.** In Colorado Revised Statutes, 22-1-119.1, **amend**
3 (1)(a), (1)(b), and (2); and **add** (1)(c) and (4) as follows:

4 **22-1-119.1. Policy for employee and agent possession and**
5 **administration of opiate antagonists - definitions.** (1) A school district
6 board of education of a public school, the state charter school institute for
7 an institute charter school, or the governing board of a nonpublic school
8 may adopt and implement a policy whereby:

9 (a) A school under its jurisdiction may acquire and maintain a
10 stock supply of opiate antagonists ON SCHOOL GROUNDS; ON A SCHOOL
11 BUS OPERATED BY A DISTRICT SCHOOL, SCHOOL DISTRICT, THE CHARTER
12 SCHOOL INSTITUTE, INSTITUTE CHARTER SCHOOL, OR NONPUBLIC SCHOOL;
13 OR BOTH; **and**

14 (b) An employee or agent of the school; OR AN EMPLOYEE OR
15 AGENT OF A SCHOOL DISTRICT, A DISTRICT SCHOOL, THE CHARTER SCHOOL
16 INSTITUTE, AN INSTITUTE CHARTER SCHOOL, OR A NONPUBLIC SCHOOL
17 WHO OPERATES OR IS ON A SCHOOL BUS; OR BOTH, may, after receiving
18 appropriate training, administer an opiate antagonist on school grounds
19 OR A SCHOOL BUS to assist an individual who is at risk of experiencing an
20 opiate-related drug overdose event. The training provided pursuant to this
21 subsection (1)(b) must include risk factors for overdose, recognizing an
22 overdose, calling emergency medical services, rescue breathing, and
23 administering an opiate antagonist; **AND**

24 (c) **AN EMPLOYEE OR AGENT OF THE SCHOOL MAY FURNISH OPIATE**
25 **ANTAGONISTS ON SCHOOL GROUNDS OR ON A SCHOOL BUS TO ANY**
26 **INDIVIDUAL, INCLUDING A STUDENT, BUT SHALL ONLY FURNISH AN OPIATE**
27 **ANTAGONIST TO A STUDENT IF THE STUDENT HAS RECEIVED APPROPRIATE**

1 SCHOOL-SPONSORED TRAINING.

2 (2) An employee or agent of a school; OR AN EMPLOYEE OR AGENT
3 OF THE SCHOOL DISTRICT, A DISTRICT SCHOOL, THE CHARTER SCHOOL
4 INSTITUTE, AN INSTITUTE CHARTER SCHOOL, OR A NONPUBLIC SCHOOL
5 WHO OPERATES OR IS ON A SCHOOL BUS; OR BOTH, acting in accordance
6 with a policy adopted pursuant to this section is not subject to civil
7 liability or criminal prosecution, as specified in sections 13-21-108.7 (3)
8 and 18-1-712 (2), respectively.

9 (4) THE GENERAL ASSEMBLY ENCOURAGES EACH SCHOOL DISTRICT
10 BOARD OF EDUCATION, THE CHARTER SCHOOL INSTITUTE, AND EACH
11 GOVERNING BOARD OF A NONPUBLIC SCHOOL TO ADOPT AND IMPLEMENT
12 A POLICY FOR AN EMPLOYEE OR AGENT OF THE SCHOOL TO FURNISH AN
13 OPIATE ANTAGONIST ON SCHOOL GROUNDS OR ON A SCHOOL BUS TO ANY
14 INDIVIDUAL, INCLUDING A STUDENT. IN DEVELOPING THE POLICY, THE
15 GENERAL ASSEMBLY ALSO ENCOURAGES EACH SCHOOL DISTRICT BOARD
16 OF EDUCATION, THE CHARTER SCHOOL INSTITUTE, AND EACH GOVERNING
17 BOARD OF A NONPUBLIC SCHOOL TO CONSIDER PARENT AND STUDENT
18 INPUT; INCLUDE EDUCATION AND TRAINING TO PARENTS AND STUDENTS
19 REGARDING OPIATE ANTAGONISTS, OPIATE DETECTION TESTS, OR
20 NON-LABORATORY DETECTION TESTS; CONSIDER RECOMMENDATIONS TO
21 STUDENTS OF A CERTAIN AGE OR GRADE LEVEL FOR WHOM THE POLICY
22 APPLIES; AND COLLABORATE WITH GROUPS WHO HAVE DEVELOPED OPIATE
23 EDUCATION AND AWARENESS CAMPAIGNS TO ENHANCE THE POLICY.

24 **SECTION 3.** In Colorado Revised Statutes, **amend 22-1-119.2**
25 as follows:

26 **22-1-119.2. Policy for employee and agent furnishing synthetic**
27 **opiate detection tests and non-laboratory additive detection tests -**

1 **legislative intent - definitions.** (1) [REDACTED] A school district board of
2 education of a public school, the state charter school institute for an
3 institute charter school, or the governing board of a nonpublic school may
4 adopt and implement a policy whereby a school under its jurisdiction may
5 acquire and maintain a supply of non-laboratory synthetic opiate detection
6 tests, NON-LABORATORY ADDITIVE DETECTION TESTS, OR BOTH, and an
7 employee or agent of the school may furnish non-laboratory synthetic
8 opiate detection tests, NON-LABORATORY ADDITIVE DETECTION TESTS, OR
9 BOTH, on school grounds to any individual.

10

11 (2) As used in this section, "~~non-laboratory synthetic opiate~~
12 ~~detection test~~" means a product that is intended or designed to detect the
13 ~~presence of a synthetic opiate~~ UNLESS THE CONTEXT OTHERWISE
14 REQUIRES:

15 (a) "NON-LABORATORY ADDITIVE DETECTION TEST" MEANS A
16 PRODUCT THAT IS INTENDED OR DESIGNED TO DETECT THE PRESENCE OF
17 AN ADDITIVE TO A SYNTHETIC OPIATE OR AN IMMEDIATE PRECURSOR TO A
18 SYNTHETIC OPIATE.

19 (b) "NON-LABORATORY SYNTHETIC OPIATE DETECTION TEST"
20 MEANS A PRODUCT THAT IS INTENDED OR DESIGNED TO DETECT THE
21 PRESENCE OF A SYNTHETIC OPIATE.

22 **SECTION 4.** In Colorado Revised Statutes, **add** 22-1-119.7 as
23 follows:

24 **22-1-119.7. Student possession and administration of opiate**
25 **antagonists and possession of non-laboratory detection tests.** (1) A
26 SCHOOL DISTRICT OR THE STATE CHARTER SCHOOL INSTITUTE SHALL NOT
27 PROHIBIT A STUDENT OF THE SCHOOL DISTRICT OR INSTITUTE CHARTER

1 SCHOOL FROM, OR DISCIPLINE A STUDENT OF THE SCHOOL DISTRICT OR
2 INSTITUTE CHARTER SCHOOL FOR POSSESSING OR ADMINISTERING AN
3 OPIATE ANTAGONIST ON SCHOOL GROUNDS, ON A SCHOOL BUS, OR AT ANY
4 SCHOOL-SPONSORED EVENT.

5 (2) A SCHOOL, SCHOOL DISTRICT, OR THE STATE CHARTER SCHOOL
6 INSTITUTE SHALL NOT PROHIBIT A STUDENT OF THE SCHOOL DISTRICT OR
7 INSTITUTE CHARTER SCHOOL FROM POSSESSING A NON-LABORATORY
8 SYNTHETIC OPIATE DETECTION TEST OR NON-LABORATORY ADDITIVE
9 DETECTION TEST ON SCHOOL GROUNDS, ON A SCHOOL BUS, OR AT ANY
10 SCHOOL-SPONSORED EVENT.

11 (3) A STUDENT IS NOT SUBJECT TO CIVIL LIABILITY OR CRIMINAL
12 PROSECUTION IF THE STUDENT ACTS AS SPECIFIED IN SECTIONS
13 13-21-108.7 OR 18-1-712.

14 **SECTION 5.** In Colorado Revised Statutes, 12-30-110, **amend**
15 (1)(a)(V) as follows:

16 **12-30-110. Prescribing or dispensing an opiate antagonist -**
17 **authorized recipients - definitions.** (1) (a) A prescriber may prescribe
18 or dispense, directly or in accordance with standing orders and protocols,
19 an opiate antagonist to:

20 (V) A school district, school, or employee or agent of a school; OR
21 AN EMPLOYEE OR AGENT OF THE SCHOOL DISTRICT, A DISTRICT SCHOOL,
22 THE CHARTER SCHOOL INSTITUTE, AN INSTITUTE CHARTER SCHOOL, OR A
23 NONPUBLIC SCHOOL WHO OPERATES OR IS ON A SCHOOL BUS;

24 **SECTION 6.** In Colorado Revised Statutes, 13-21-108.7, **amend**
25 (3)(b)(I) as follows:

26 **13-21-108.7. Persons rendering emergency assistance through**
27 **the administration of an opiate antagonist - limited immunity -**

1 **legislative declaration - definitions. (3) General immunity. (b)** This
2 subsection (3) also applies to:

3 (I) A person or entity described in section 12-30-110 (1)(a);
4 except that an employee or agent of a school, OR AN EMPLOYEE OR AGENT
5 OF A SCHOOL DISTRICT, A DISTRICT SCHOOL, THE CHARTER SCHOOL
6 INSTITUTE, AN INSTITUTE CHARTER SCHOOL, OR A NONPUBLIC SCHOOL
7 WHO OPERATES OR IS ON A SCHOOL BUS, must be acting in accordance with
8 section 12-30-110 (1)(b), (2)(b), and (4)(b), and, as applicable, section
9 22-1-119.1; and

10 **SECTION 7.** In Colorado Revised Statutes, **amend** 13-21-108.8
11 as follows:

12 **13-21-108.8. Persons furnishing a non-laboratory synthetic**
13 **opiate detection test or a non-laboratory additive detection test -**
14 **limited immunity - definitions.** (1) Except as provided in subsection (2)
15 of this section, a person who or entity that acts in good faith to furnish a
16 non-laboratory synthetic opiate detection test OR A NON-LABORATORY
17 ADDITIVE DETECTION TEST, including an expired non-laboratory synthetic
18 opiate detection test OR NON-LABORATORY ADDITIVE DETECTION TEST, to
19 another person is not liable for any civil damages for acts, omissions
20 made as a result of the act, or for any act or omission made if the
21 non-laboratory synthetic opiate detection test OR NON-LABORATORY
22 ADDITIVE DETECTION TEST is stolen, defective, or produces an inaccurate
23 result.

24 (2) A manufacturer, as defined in section 13-21-401 (1), of
25 non-laboratory synthetic opiate detection tests OR NON-LABORATORY
26 ADDITIVE DETECTION TESTS is not immune from liability as described in
27 subsection (1) of this section.

1 (3) For purposes of this section, "~~non-laboratory synthetic opiate~~
2 ~~detection test~~" means a product that is intended or designed to detect the
3 ~~presence of a synthetic opiate~~ UNLESS THE CONTEXT OTHERWISE
4 REQUIRES:

5 (a) "NON-LABORATORY ADDITIVE DETECTION TEST" MEANS A
6 PRODUCT THAT IS INTENDED OR DESIGNED TO DETECT THE PRESENCE OF
7 AN ADDITIVE TO A SYNTHETIC OPIATE OR AN IMMEDIATE PRECURSOR TO A
8 SYNTHETIC OPIATE.

9 (b) "NON-LABORATORY SYNTHETIC OPIATE DETECTION TEST"
10 MEANS A PRODUCT THAT IS INTENDED OR DESIGNED TO DETECT THE
11 PRESENCE OF A SYNTHETIC OPIATE.

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

14 **18-1-712. Immunity for a person who administers an opiate**
15 **antagonist during an opiate-related drug overdose event - definitions.**

16 (2) **General immunity.** (b) This subsection (2) also applies to:

17 (I) A person or entity described in section 12-30-110 (1)(a);
18 except that an employee or agent of a school, OR AN EMPLOYEE OR AGENT
19 OF A SCHOOL DISTRICT, A DISTRICT SCHOOL, THE CHARTER SCHOOL
20 INSTITUTE, AN INSTITUTE CHARTER SCHOOL, OR A NONPUBLIC SCHOOL
21 WHO OPERATES OR IS ON A SCHOOL BUS, must be acting in accordance with
22 section 12-30-110 (1)(b), (2)(b), and (4)(b), and, as applicable, section
23 22-1-119.1; and

24 **SECTION 9. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly; except
27 that, if a referendum petition is filed pursuant to section 1 (3) of article V

1 of the state constitution against this act or an item, section, or part of this
2 act within such period, then the act, item, section, or part will not take
3 effect unless approved by the people at the general election to be held in
4 November 2024 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.