Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

DRAFT

LLS NO. 14-0291.01 Jane Ritter x4342   **SUNSET BILL**

**Sunset Process - House Public Health
Care and Human Services Committee**

SHORT TITLE: "Sunset Controlled Substances Abuse Act"

DEADLINES: Finalize by: 27 JAN 2014 File by: 29 JAN 2014

A BILL FOR AN ACT

101   CONCERNING CONTINUATION OF THE CONTROLLED SUBSTANCES ABUSE

102   ACT, AND, IN CONNECTION THEREWITH, THE TREATMENT OF

103   CONTROLLED SUBSTANCES ABUSE.

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://www.leg.state.co.us/billsummaries.)

Sunset Process - House Public Health Care and Human Services Committee. The bill extends the "Colorado Licensing of Controlled Substances Act" (act) until 2025. The department of human services (department) is granted authority to impose a wider range of

disciplinary actions for violations of the act. The bill grants staff at substance abuse treatment facilities, with patient permission, access to the state prescription drug monitoring program. The office of behavioral health in the department is directed to create a secure online substance abuse treatment registry to allow substance abuse treatment facilities to verify patient eligibility and register patients. The additional license fee of $75 for a controlled substance addiction treatment program is removed.

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

2   **SECTION 1.** In Colorado Revised Statutes, 24-34-104, **repeal**

3   (45) (e); and **add** (56) (a) as follows:

4   **24-34-104. General assembly review of regulatory agencies**

5   **and functions for termination, continuation, or reestablishment.**

6   (45) The following agencies, functions, or both, terminate on July 1,

7   2014:

8   (e) ~~The record-keeping and licensing functions of the department~~

9   ~~of human services relating to addiction programs under which controlled~~

10   ~~substances are compounded, administered, or dispensed in accordance~~

11   ~~with part 2 of article 80 of title 27, C.R.S.~~

12   (56) THE FOLLOWING AGENCIES, FUNCTIONS, OR BOTH, TERMINATE

13   ON SEPTEMBER 1, 2025:

14   (a) THE RECORD-KEEPING AND LICENSING FUNCTIONS OF THE

15   DEPARTMENT OF HUMAN SERVICES RELATING TO ADDICTION PROGRAMS

16   UNDER WHICH CONTROLLED SUBSTANCES ARE COMPOUNDED,

17   ADMINISTERED, OR DISPENSED IN ACCORDANCE WITH PART 2 OF ARTICLE

18   80 OF TITLE 27, C.R.S.

19   **SECTION 2.** In Colorado Revised Statutes, 27-80-204, **amend**

20   (1) (b) (I) as follows:

21   **27-80-204. License required - controlled substances - repeal.**

22   (1) (b) (I)   This subsection (1) is repealed, effective ~~July 1, 2014~~

1 SEPTEMBER 1, 2025.

2 **SECTION 3.** In Colorado Revised Statutes, 27-80-208, **amend**

3 (1) introductory portion; and **add** (2.5) as follows:

4 **27-80-208. Denial, revocation, or suspension of license - other**

5 **disciplinary actions.** (1) The department may deny, suspend, or revoke

6 a license issued under this part 2 pursuant to article 4 of title 24, C.R.S.,

7 OR TAKE OTHER DISCIPLINARY ACTION AS SET FORTH IN SUBSECTION (2.5)

8 OF THIS SECTION, AT THE DEPARTMENT'S DISCRETION, upon a finding that

9 the licensee:

10 (2.5) IF THE DEPARTMENT DETERMINES THAT A LICENSEE HAS

11 COMMITTED AN ACT THAT WOULD AUTHORIZE THE DEPARTMENT TO DENY,

12 REVOKE, OR SUSPEND A LICENSE, THE DEPARTMENT MAY, AT ITS

13 DISCRETION, IMPOSE OTHER DISCIPLINARY ACTIONS THAT MAY INCLUDE,

14 BUT NEED NOT BE LIMITED TO, DISMISSAL, DISMISSAL WITH ISSUANCE OF

15 A CONFIDENTIAL LETTER OF CONCERN, A FINE NOT TO EXCEED FIVE

16 HUNDRED DOLLARS, A LETTER OF ADMONITION, PROBATION, OR

17 STIPULATION.

18 **SECTION 4.** In Colorado Revised Statutes, 12-42.5-404, **add** (3)

19 (c.5) as follows:

20 **12-42.5-404. Program operation - access - rules.** (3) The

21 program is available for query only to the following persons or groups of

22 persons:

23 (c.5) TREATMENT STAFF AT FACILITIES THAT TREAT ADDICTION

24 WITH CONTROLLED SUBSTANCES, IF AN INDIVIDUAL IN TREATMENT AT THE

25 FACILITY GIVES PERMISSION TO THE FACILITY TO ACCESS HIS OR HER

26 PROGRAM RECORDS;

27 **SECTION 5.** In Colorado Revised Statutes, **add** 27-60-104 as

1 follows:

2 **27-60-104. Online substance abuse treatment program**

3 **registry.** ON OR BEFORE JANUARY 1, 2015, THE OFFICE OF BEHAVIORAL

4 HEALTH IN THE DEPARTMENT OF HUMAN SERVICES SHALL DEVELOP A

5 SECURE ONLINE SUBSTANCE ABUSE TREATMENT PROGRAM REGISTRY TO

6 REGISTER INDIVIDUALS IN SUBSTANCE ABUSE TREATMENT PROGRAMS AND

7 VERIFY ELIGIBILITY FOR ENROLLMENT IN A SUBSTANCE ABUSE TREATMENT

8 PROGRAM. THE REGISTRY MUST BE ACCESSIBLE TO LICENSED SUBSTANCE

9 ABUSE TREATMENT FACILITIES TO INPUT PATIENT DATA AND CHECK

10 ELIGIBILITY FOR TREATMENT.

11 **SECTION 6.** In Colorado Revised Statutes, 27-80-205, **add** (3)

12 (a.5) and **repeal** (3) (a) (I) as follows:

13 **27-80-205. Issuance of license - fees.** (3) (a) The initial and

14 annual license fees are as follows:

15 (I) ~~Addiction program~~   ~~$ 75.00~~

16 (a.5) THE DEPARTMENT MAY ADMINISTRATIVELY SET INITIAL AND

17 ANNUAL LICENSE FEES FOR ADDICTION PROGRAMS TO APPROXIMATE THE

18 DIRECT AND INDIRECT COSTS OF THE PROGRAM.

19 **SECTION 7. Act subject to petition - effective date.** This act

20 takes effect at 12:01 a.m. on the day following the expiration of the

21 ninety-day period after final adjournment of the general assembly (August

22 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a

23 referendum petition is filed pursuant to section 1 (3) of article V of the

24 state constitution against this act or an item, section, or part of this act

25 within such period, then the act, item, section, or part will not take effect

26 unless approved by the people at the general election to be held in

1   November 2014 and, in such case, will take effect on the date of the

2   official declaration of the vote thereon by the governor. <{***Or safety***

3   ***clause?***}>