

**First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**ENGROSSED**

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

LLS NO. 15-0767.01 Michael Dohr x4347

**SENATE BILL 15-116**

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**SENATE SPONSORSHIP**

**Steadman,**

**HOUSE SPONSORSHIP**

**Garnett,**

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**Senate Committees**  
Judiciary

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING NEEDLE-STICK PREVENTION.**

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**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>.)*

The bill creates an exception to arrest and filing charges for the crime of possession of drug paraphernalia if the person prior to being searched by a peace officer informs the peace officer that he or she has a needle, syringe, or other sharp object on his or her person or in his or her vehicle or home that is subject to a search. The exception to arrest and filing charges also applies to the crime of possession of a controlled substance as it relates to any residual controlled substance that may be found in a used needle, syringe, or other sharp object.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

SENATE  
Amended 2nd Reading  
February 17, 2015

The bill directs clean syringe exchange programs to develop an education program regarding the legal rights under that program and the immunity provisions created in this bill.

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

2           **SECTION 1.** In Colorado Revised Statutes, 18-18-428, **amend**  
3 (1) as follows:

4           **18-18-428. Possession of drug paraphernalia - penalty.**  
5 (1) (a) Except as described in section 18-1-711 AND PARAGRAPH (b) OF  
6 THIS SUBSECTION (1), a person commits possession of drug paraphernalia  
7 if he or she possesses drug paraphernalia and knows or reasonably should  
8 know that the drug paraphernalia could be used under circumstances in  
9 violation of the laws of this state.

10           (b) (I) PRIOR TO SEARCHING A PERSON, A PERSON'S PREMISES, OR  
11 A PERSON'S VEHICLE, A PEACE OFFICER MAY ASK THE PERSON WHETHER  
12 THE PERSON IS IN POSSESSION OF A HYPODERMIC NEEDLE OR SYRINGE  
13 THAT MAY CUT OR PUNCTURE THE OFFICER OR WHETHER SUCH A  
14 HYPODERMIC NEEDLE OR SYRINGE IS ON THE PREMISES OR IN THE VEHICLE  
15 TO BE SEARCHED. IF A HYPODERMIC NEEDLE OR SYRINGE IS ON THE  
16 PERSON, ON THE PERSON'S PREMISES, OR IN THE PERSON'S VEHICLE AND  
17 THE PERSON, EITHER IN RESPONSE TO THE OFFICER'S QUESTION OR  
18 VOLUNTARILY, ALERTS THE OFFICER OF THAT FACT PRIOR TO THE SEARCH,  
19 ASSESSMENT, OR TREATMENT, THE PEACE OFFICER SHALL NOT ARREST THE  
20 PERSON PURSUANT TO THIS SECTION FOR THE HYPODERMIC NEEDLE OR  
21 SYRINGE OR SECTION 18-18-403.5 FOR ANY TRACE, RESIDUAL  
22 CONTROLLED SUBSTANCE THAT MAY BE PRESENT IN A USED HYPODERMIC  
23 NEEDLE OR SYRINGE, AND THE DISTRICT ATTORNEY SHALL NOT CHARGE OR  
24 PROSECUTE THE PERSON PURSUANT TO THIS SECTION FOR THE

1 HYPODERMIC NEEDLE OR SYRINGE OR SECTION 18-18-403.5 FOR ANY  
2 TRACE, RESIDUAL CONTROLLED SUBSTANCE THAT MAY BE PRESENT IN A  
3 USED HYPODERMIC NEEDLE OR SYRINGE. THE CIRCUMSTANCES DESCRIBED  
4 IN THIS PARAGRAPH (b) MAY BE USED AS A FACTOR IN A PROBABLE CAUSE  
5 OR REASONABLE SUSPICION DETERMINATION.

6 (II) PRIOR TO ASSESSING OR TREATING A PERSON, AN EMERGENCY  
7 MEDICAL TECHNICIAN OR OTHER FIRST RESPONDER MAY ASK THE PERSON  
8 WHETHER THE PERSON IS IN POSSESSION OF A HYPODERMIC NEEDLE OR  
9 SYRINGE THAT MAY CUT OR PUNCTURE THE TECHNICIAN OR FIRST  
10 RESPONDER. IF A HYPODERMIC NEEDLE OR SYRINGE IS ON THE PERSON,  
11 AND THE PERSON, EITHER IN RESPONSE TO THE QUESTION OR  
12 VOLUNTARILY, ALERTS THE TECHNICIAN OR FIRST RESPONDER OF THAT  
13 FACT, A PEACE OFFICER SHALL NOT ARREST THE PERSON PURSUANT TO  
14 THIS SECTION FOR THE HYPODERMIC NEEDLE OR SYRINGE OR SECTION  
15 18-18-403.5 FOR ANY TRACE, RESIDUAL CONTROLLED SUBSTANCE THAT  
16 MAY BE PRESENT IN A USED HYPODERMIC NEEDLE OR SYRINGE, AND THE  
17 DISTRICT ATTORNEY SHALL NOT CHARGE OR PROSECUTE THE PERSON  
18 PURSUANT TO THIS SECTION FOR THE HYPODERMIC NEEDLE OR SYRINGE OR  
19 SECTION 18-18-403.5 FOR ANY TRACE, RESIDUAL CONTROLLED  
20 SUBSTANCE THAT MAY BE PRESENT IN A USED HYPODERMIC NEEDLE OR  
21 SYRINGE.

22 **SECTION 2.** In Colorado Revised Statutes, 18-18-403.5, **amend**  
23 (1); and **add** (3) as follows:

24 **18-18-403.5. Unlawful possession of a controlled substance.**  
25 (1) Except as authorized by part 1 or 3 of article 42.5 of title 12, C.R.S.,  
26 part 2 of article 80 of title 27, C.R.S., section 18-1-711, SECTION  
27 18-18-428 (1) (b), or part 2 or 3 of this article, it is unlawful for a person

1 knowingly to possess a controlled substance.

2 (3) IF THE CIRCUMSTANCES DESCRIBED IN SECTION 18-18-428 (1)  
3 (b) OCCUR, THE PEACE OFFICER SHALL NOT ARREST THE PERSON PURSUANT  
4 TO THIS SECTION FOR ANY TRACE, RESIDUAL CONTROLLED SUBSTANCE  
5 THAT MAY BE PRESENT IN THE USED HYPODERMIC NEEDLE OR SYRINGE,  
6 AND THE DISTRICT ATTORNEY SHALL NOT CHARGE OR PROSECUTE THE  
7 PERSON PURSUANT TO THIS SECTION FOR ANY TRACE, RESIDUAL  
8 CONTROLLED SUBSTANCE THAT MAY BE PRESENT IN A USED HYPODERMIC  
9 NEEDLE OR SYRINGE. THE CIRCUMSTANCES DESCRIBED IN SECTION  
10 18-18-428 (1) (b) MAY BE USED AS A FACTOR IN A PROBABLE CAUSE OR  
11 REASONABLE SUSPICION DETERMINATION.

12 **SECTION 3.** In Colorado Revised Statutes, 25-1-520, **amend** (2)  
13 (e) and (2) (f); and **add** (2) (g) as follows:

14 **25-1-520. Clean syringe exchange programs - approval -**  
15 **reporting requirements.** (2) Each proposed clean syringe exchange  
16 program shall, at a minimum, have the ability to:

17 (e) Plan and implement the clean syringe exchange program with  
18 the clear objective of reducing the transmission of blood-borne diseases  
19 within a specific geographic area; **and**

20 (f) Develop a timeline for the proposed program and for the  
21 development of policies and procedures; **AND**

22 (g) DEVELOP AN EDUCATION PROGRAM REGARDING THE LEGAL  
23 RIGHTS UNDER THIS SECTION AND SECTION 18-18-428 (1) (b), C.R.S.,  
24 THAT ENCOURAGES PARTICIPANTS TO ALWAYS DISCLOSE THEIR  
25 POSSESSION OF HYPODERMIC NEEDLES OR SYRINGES TO PEACE OFFICERS  
26 OR EMERGENCY MEDICAL TECHNICIANS OR OTHER FIRST RESPONDERS  
27 PRIOR TO A SEARCH.

1           **SECTION 4. Effective date - applicability.** This act takes effect  
2 July 1, 2015, and applies to offenses committed on or after said date.

3           **SECTION 5. Safety clause.** The general assembly hereby finds,  
4 determines, and declares that this act is necessary for the immediate  
5 preservation of the public peace, health, and safety.