

First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

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.*

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

1 THE NEEDLE, SYRINGE, OR SHARP OBJECT OR SECTION 18-18-403.5 FOR  
2 ANY RESIDUAL CONTROLLED SUBSTANCE THAT MAY BE PRESENT IN A USED  
3 NEEDLE, SYRINGE, OR SHARP OBJECT.

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

6 **18-18-403.5. Unlawful possession of a controlled substance.**

7 (1) Except as authorized by part 1 or 3 of article 42.5 of title 12, C.R.S.,  
8 part 2 of article 80 of title 27, C.R.S., section 18-1-711, SECTION  
9 18-18-428 (1) (b), or part 2 or 3 of this article, it is unlawful for a person  
10 knowingly to possess a controlled substance.

11 (3) IF THE CIRCUMSTANCES DESCRIBED IN SECTION 18-18-428 (1)  
12 (b) OCCUR, THE PEACE OFFICER SHALL NOT ARREST THE PERSON PURSUANT  
13 TO THIS SECTION FOR ANY RESIDUAL CONTROLLED SUBSTANCE THAT MAY  
14 BE PRESENT IN THE USED NEEDLE, SYRINGE, OR SHARP OBJECT, AND THE  
15 DISTRICT ATTORNEY SHALL NOT CHARGE OR PROSECUTE THE PERSON  
16 PURSUANT TO THIS SECTION FOR ANY RESIDUAL CONTROLLED SUBSTANCE  
17 THAT MAY BE PRESENT IN A USED NEEDLE, SYRINGE, OR SHARP OBJECT.

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

20 **25-1-520. Clean syringe exchange programs - approval -**  
21 **reporting requirements.** (2) Each proposed clean syringe exchange  
22 program shall, at a minimum, have the ability to:

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

26 (f) Develop a timeline for the proposed program and for the  
27 development of policies and procedures; AND

1           (g) DEVELOP AN EDUCATION PROGRAM REGARDING THE LEGAL  
2 RIGHTS UNDER THIS SECTION AND SECTION 18-18-428(1) (b), C.R.S., THAT  
3 ENCOURAGES PARTICIPANTS TO ALWAYS DISCLOSE THEIR POSSESSION OF  
4 NEEDLES OR SYRINGES TO PEACE OFFICERS PRIOR TO A SEARCH.

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

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