

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB22-1326 be amended as follows:

1 Amend reengrossed bill, page 60, after line 5 insert:

2 "SECTION 39. In Colorado Revised Statutes, **add** 27-60-114 as  
3 follows:

4 **27-60-114. Colorado overdose prevention review committee -**  
5 **creation - duties - repeal.** (1) THE COLORADO OVERDOSE PREVENTION  
6 REVIEW COMMITTEE IS CREATED IN THE OFFICE, REFERRED TO IN THIS  
7 SECTION AS THE "COMMITTEE", FOR THE PURPOSE OF:

8 (a) REVIEWING SPECIFIC CASES OF NON-FATAL AND FATAL  
9 DRUG-RELATED OVERDOSES THAT OCCUR IN COLORADO;

10 (b) IDENTIFYING THE CAUSES OF OVERDOSES AND  
11 OVERDOSE-RELATED DEATH AND CONDUCTING A REVIEW OF OTHER  
12 FACTORS INCLUDING, BUT NOT LIMITED TO, HOUSING STATUS OR CRIMINAL  
13 JUSTICE INVOLVEMENT;

14 (c) DEVELOPING EVIDENCE-BASED RECOMMENDATIONS TO  
15 ADDRESS PREVENTABLE OVERDOSE-RELATED DEATH, INCLUDING  
16 LEGISLATION, POLICIES, AREAS FOR FURTHER SCIENTIFIC RESEARCH,  
17 RULES, TRAINING, AND BEST PRACTICES THAT WILL SUPPORT THE HEALTH  
18 AND SAFETY OF INDIVIDUALS WHO USE SUBSTANCES THAT MAY CAUSE  
19 OVERDOSE IN COLORADO AND PREVENT OVERDOSE-RELATED DEATHS; AND

20 (d) ANNUALLY MAKE POLICY-RELATED AND FUNDING-RELATED  
21 RECOMMENDATIONS TO THE GOVERNOR AND THE GENERAL ASSEMBLY  
22 ABOUT DRUG TRENDS, INCLUDING SYNTHETIC DRUGS THAT MAY IMPACT  
23 THE HEALTH AND WELL-BEING OF COLORADANS AND THAT PRESENT A  
24 HIGH RISK FOR CAUSING OVERDOSE-RELATED DEATHS.

25 (2) (a) THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT  
26 SHALL APPOINT THE FOLLOWING MEMBERS TO SERVE ON THE COMMITTEE:

27 (I) TWO MEMBERS WHO HAVE EXPERIENCED AN OVERDOSE OR  
28 HAVE A SUBSTANCE USE DISORDER;

29 (II) TWO PHYSICIANS WITH EXPERTISE IN ADDICTION MEDICINE,  
30 ONE OF WHOM HAS EXPERTISE IN MEDICAL COMPLICATIONS OF SUBSTANCE  
31 USE;

32 (III) TWO PUBLIC HEALTH OR EPIDEMIOLOGY EXPERTS WITH  
33 EXPERTISE IN SUBSTANCE USE;

34 (IV) A COUNTY SHERIFF;

35 (V) A CHIEF OF POLICE;

36 (VI) A DISTRICT ATTORNEY;

37 (VII) A PUBLIC DEFENDER;

38 (VIII) A REPRESENTATIVE FROM A HARM REDUCTION  
39 ORGANIZATION; AND

40 (IX) A SUBSTANCE USE TREATMENT OR RECOVERY PROVIDER.

1 (b) EACH MEMBER'S TERM IS THREE YEARS; EXCEPT THAT THE  
2 TERM OF THE FIRST SIX MEMBERS APPOINTED IS TWO YEARS. MEMBERS  
3 MAY SERVE UP TO THREE TERMS. THE EXECUTIVE DIRECTOR SHALL FILL  
4 ANY VACANCIES ON THE COMMITTEE.

5 (c) THE EXECUTIVE DIRECTOR SHALL MAKE AN EFFORT TO INCLUDE  
6 COMMITTEE MEMBERS WORKING IN AND REPRESENTING COMMUNITIES  
7 THAT ARE DIVERSE WITH REGARD TO RACE, ETHNICITY, IMMIGRATION  
8 STATUS, ENGLISH PROFICIENCY, INCOME, WEALTH, AND GEOGRAPHIC  
9 REGION OF THE STATE, INCLUDING BOTH URBAN AND RURAL AREAS.

10 (3) THE COMMITTEE MAY FORM SPECIAL AD HOC PANELS TO  
11 FURTHER INVESTIGATE DRUG TRENDS, OVERDOSES AND  
12 OVERDOSE-RELATED DEATHS WHEN THE NEED ARISES.

13 (4) THE COMMITTEE SHALL:

14 (a) REVIEW A REPRESENTATIVE SUBSET OF NON-FATAL AND FATAL  
15 OVERDOSES IN COLORADO;

16 (b) REVIEW MEDICAL RECORDS AND OTHER RELEVANT DATA  
17 RELATED TO EACH OVERDOSE DEATH, INCLUDING, BUT NOT LIMITED TO,  
18 WHETHER THE PERSON WAS RECENTLY ENGAGED IN TREATMENT OR  
19 PREVIOUSLY INCARCERATED;

20 (c) TAKE STEPS TO IMPROVE THE QUALITY AND SCOPE OF DATA  
21 OBTAINED THROUGH INVESTIGATIONS AND REVIEW OF OVERDOSES AND  
22 OVERDOSE-RELATED DEATHS;

23 (d) IDENTIFY TRENDS AND PATTERNS ACROSS RACIAL,  
24 GEOGRAPHIC, AND OTHER GROUPS RELATED TO OVERDOSES AND  
25 OVERDOSE-RELATED DEATHS;

26 (e) DEVELOP EVIDENCE-BASED RECOMMENDATIONS FOR THE  
27 PREVENTION OF OVERDOSES AND OVERDOSE-RELATED DEATHS AND  
28 DELIVER THE RECOMMENDATIONS TO THE LEGISLATURE AND GOVERNOR;

29 (f) PERFORM ANY OTHER FUNCTIONS AS RESOURCES ALLOW TO  
30 ENHANCE THE CAPABILITY OF THE STATE TO REDUCE AND PREVENT  
31 OVERDOSES AND OVERDOSE-RELATED DEATHS;

32 (g) ADVISE THE OFFICE IN THE ADMINISTRATION'S WORK ON  
33 DECREASING OVERDOSES AND OVERDOSE-RELATED DEATHS;

34 (h) INFORM THE LEGISLATURE AND GOVERNOR OF DRUG TRENDS  
35 NATIONALLY, INCLUDING IF A NEW DRUG TREND OCCURS AND WHAT THE  
36 STATE MAY DO TO MITIGATE ANY FORTHCOMING HARM THE DRUG MAY  
37 HAVE ON THE STATE; AND

38 (i) FACILITATE THE DEVELOPMENT OF A COMPREHENSIVE  
39 STATEWIDE DATABASE FOR THE PURPOSE OF ADDRESSING THE OVERDOSE  
40 CRISIS.

41 (5) THE OFFICE SHALL COMPILE REPORTS IN DISAGGREGATED AND  
42 DE-IDENTIFIED FORMS ON TRENDS OR OTHER FINDINGS AND  
43 RECOMMENDATIONS ON A BI-ANNUAL BASIS FOR DISTRIBUTION IN AN

1 EFFORT TO FURTHER STUDY THE CAUSES AND PROBLEMS ASSOCIATED WITH  
2 OVERDOSES AND OVERDOSE-RELATED DEATHS THAT MAY BE DISTRIBUTED  
3 TO POLICY MAKERS, LAW ENFORCEMENT, HEALTH-CARE PROVIDERS AND  
4 FACILITIES, BEHAVIORAL HEALTH PROVIDERS, PUBLIC HEALTH  
5 PROFESSIONALS, AND OTHERS NECESSARY TO REDUCE OVERDOSES AND  
6 OVERDOSE-RELATED DEATHS.

7 (6) (a) (I) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE  
8 COMMITTEE MAY ACCESS MEDICAL RECORDS RELATED TO MATERNAL  
9 DEATHS UPON REQUEST AT ANY TIME UP TO SEVEN YEARS AFTER THE LAST  
10 TREATMENT OF A PATIENT.

11 (II) A HEALTH-CARE PROVIDER OR A HEALTH-CARE FACILITY  
12 LICENSED OR CERTIFIED PURSUANT TO ARTICLE 3 OF THIS TITLE 25 SHALL  
13 PROVIDE MEDICAL RECORDS TO THE DEPARTMENT CONCERNING EACH  
14 MATERNAL MORTALITY FOR ACCESS BY THE MEMBERS OF THE COMMITTEE.

15 (III) UPON REQUEST OF THE DEPARTMENT, A LAW ENFORCEMENT  
16 OFFICER SHALL PROVIDE A POLICE REPORT, AND A CORONER SHALL  
17 PROVIDE RECORDS OF THE CORONER AND MEDICAL EXAMINER  
18 INVESTIGATIONS, THAT INVOLVE A MATERNAL DEATH TO THE COMMITTEE.

19 (IV) A HEALTH-CARE PROVIDER, PHARMACIST, HEALTH-CARE  
20 FACILITY, LAW ENFORCEMENT OFFICER, OR CORONER IS NOT CIVILLY OR  
21 CRIMINALLY LIABLE FOR THE RELEASE OF MEDICAL RECORDS WHEN  
22 MAKING A GOOD-FAITH EFFORT TO COMPLY WITH THIS SUBSECTION (6).

23 (b) (I) THE DISCUSSIONS IN COMMITTEE MEETINGS OR MEETINGS  
24 OF AN AD HOC PANEL FORMED PURSUANT TO SECTION 25-52-104 (3)  
25 CONCERNING DETAILS OF A MATERNAL DEATH THAT COULD IDENTIFY AN  
26 INDIVIDUAL INVOLVED ARE CONFIDENTIAL AND ARE NOT SUBJECT TO  
27 SECTION 24-6-402.

28 (II) THE COMMITTEE MEETING NOTES, STATEMENTS, MEDICAL  
29 RECORDS, REPORTS, COMMUNICATIONS, AND MEMORANDA OBTAINED BY  
30 THE COMMITTEE THAT CONTAIN INFORMATION THAT COULD IDENTIFY AN  
31 INDIVIDUAL INVOLVED IN A MATERNAL DEATH ARE CONFIDENTIAL AND  
32 ARE NOT SUBJECT TO THE "COLORADO OPEN RECORDS ACT", PART 2 OF  
33 ARTICLE 72 OF TITLE 24.

34 (III) MEMBERS OF THE COMMITTEE ARE NOT SUBJECT TO  
35 SUBPOENA IN ANY CIVIL, CRIMINAL, OR ADMINISTRATIVE PROCEEDING  
36 REGARDING THE INFORMATION PRESENTED IN OR OPINIONS FORMED AS A  
37 RESULT OF A MEETING OR COMMUNICATION OF THE COMMITTEE; EXCEPT  
38 THAT THIS SUBSECTION (2)(C) DOES NOT PREVENT A MEMBER OF THE  
39 COMMITTEE FROM TESTIFYING REGARDING INFORMATION OR OPINIONS  
40 OBTAINED INDEPENDENTLY OF THE COMMITTEE OR THAT ARE PUBLIC  
41 INFORMATION.

42 (IV) NOTES, STATEMENTS, MEDICAL RECORDS, REPORTS,  
43 COMMUNICATIONS, AND MEMORANDA THAT ARE CONFIDENTIAL PURSUANT

1 TO SUBSECTIONS (2)(a) AND (2)(b) OF THIS SECTION ARE NOT:

2 (A) SUBJECT TO SUBPOENA, DISCOVERY, OR INTRODUCTION INTO  
3 EVIDENCE IN ANY CIVIL, CRIMINAL, OR ADMINISTRATIVE PROCEEDING,  
4 UNLESS THE SUBPOENA IS DIRECTED TO A SOURCE THAT IS SEPARATE AND  
5 APART FROM THE COMMITTEE. NOTHING IN THIS SECTION LIMITS OR  
6 RESTRICTS THE RIGHT TO DISCOVER OR USE IN A CIVIL, CRIMINAL, OR  
7 ADMINISTRATIVE PROCEEDING NOTES, STATEMENTS, MEDICAL RECORDS,  
8 REPORTS, COMMUNICATIONS, OR MEMORANDA THAT ARE AVAILABLE FROM  
9 ANOTHER SOURCE SEPARATE AND APART FROM THE COMMITTEE AND THAT  
10 ARISE ENTIRELY INDEPENDENT OF THE COMMITTEE'S ACTIVITIES.

11 (B) ADMISSIBLE AS EVIDENCE IN ANY ACTION IN ANY COURT OR  
12 BEFORE ANY TRIBUNAL, BOARD, AGENCY, OR PERSON AND SHALL NOT BE  
13 EXHIBITED OR DISCLOSED IN ANY WAY BY ANY PERSON UNLESS THE  
14 INFORMATION WAS OBTAINED FROM ANOTHER SOURCE THAT IS SEPARATE  
15 AND APART FROM THE COMMITTEE, EXCEPT AS MAY BE NECESSARY TO  
16 FURTHER THE DUTIES OF THE COMMITTEE OR IN RESPONSE TO AN ALLEGED  
17 VIOLATION OF A CONFIDENTIALITY AGREEMENT PURSUANT TO SUBSECTION  
18 (6)(b)(V) OF THIS SECTION.

19 (V) EACH COMMITTEE MEMBER SHALL SIGN A CONFIDENTIALITY  
20 AGREEMENT THAT REQUIRES THE MEMBER'S ADHERENCE TO SUBSECTIONS  
21 (6)(b)(I) AND (6)(b)(II) OF THIS SECTION. A MEMBER WHO KNOWINGLY  
22 VIOLATES THE CONFIDENTIALITY AGREEMENT COMMITS A PETTY OFFENSE.

23 (7) THE COMMITTEE AND THE DEPARTMENT SHALL COMPLY WITH  
24 ALL APPLICABLE STATE AND FEDERAL LAWS AND RULES RELATING TO THE  
25 TRANSMISSION OF HEALTH INFORMATION.

26 (8) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2033.  
27 BEFORE THE REPEAL, THE FUNCTIONS OF THE COMMITTEE ARE SCHEDULED  
28 FOR REVIEW IN ACCORDANCE WITH SECTION 2-3-1203.

29 **SECTION 4.0** In Colorado Revised Statutes, **add 27-50-802, as**  
30 **part 8 of article 50 of title 27 as added by House Bill 22-1278, as**  
31 **follows:**

32 **27-50-802. Colorado overdose prevention review committee -**  
33 **creation - duties - repeal.** (1) THE COLORADO OVERDOSE PREVENTION  
34 REVIEW COMMITTEE IS CREATED IN THE BEHAVIORAL HEALTH  
35 ADMINISTRATION, REFERRED TO IN THIS SECTION AS THE "COMMITTEE",  
36 FOR THE PURPOSE OF:

37 (a) REVIEWING SPECIFIC CASES OF NON-FATAL AND FATAL  
38 DRUG-RELATED OVERDOSES THAT OCCUR IN COLORADO;

39 (b) IDENTIFYING THE CAUSES OF OVERDOSES AND  
40 OVERDOSE-RELATED DEATH AND CONDUCTING A REVIEW OF OTHER  
41 FACTORS INCLUDING, BUT NOT LIMITED TO, HOUSING STATUS OR CRIMINAL  
42 JUSTICE INVOLVEMENT;

43 (c) DEVELOPING EVIDENCE-BASED RECOMMENDATIONS TO

1 ADDRESS PREVENTABLE OVERDOSE-RELATED DEATH, INCLUDING  
2 LEGISLATION, POLICIES, AREAS FOR FURTHER SCIENTIFIC RESEARCH,  
3 RULES, TRAINING, AND BEST PRACTICES THAT WILL SUPPORT THE HEALTH  
4 AND SAFETY OF INDIVIDUALS WHO USE SUBSTANCES THAT MAY CAUSE  
5 OVERDOSE IN COLORADO AND PREVENT OVERDOSE-RELATED DEATHS; AND

6 (d) ANNUALLY MAKE POLICY-RELATED AND FUNDING-RELATED  
7 RECOMMENDATIONS TO THE GOVERNOR AND THE GENERAL ASSEMBLY  
8 ABOUT DRUG TRENDS, INCLUDING SYNTHETIC DRUGS THAT MAY IMPACT  
9 THE HEALTH AND WELL-BEING OF COLORADANS AND THAT PRESENT A  
10 HIGH RISK FOR CAUSING OVERDOSE-RELATED DEATHS.

11 (2) (a) THE COMMISSIONER SHALL APPOINT THE FOLLOWING  
12 MEMBERS TO SERVE ON THE COMMITTEE:

13 (I) TWO MEMBERS WHO HAVE EXPERIENCED AN OVERDOSE OR  
14 HAVE A SUBSTANCE USE DISORDER;

15 (II) TWO PHYSICIANS WITH EXPERTISE IN ADDICTION MEDICINE,  
16 ONE OF WHOM HAS EXPERTISE IN MEDICAL COMPLICATIONS OF SUBSTANCE  
17 USE;

18 (III) TWO PUBLIC HEALTH OR EPIDEMIOLOGY EXPERTS WITH  
19 EXPERTISE IN SUBSTANCE USE;

20 (IV) A COUNTY SHERIFF;

21 (V) A CHIEF OF POLICE;

22 (VI) A DISTRICT ATTORNEY;

23 (VII) A PUBLIC DEFENDER;

24 (VIII) A REPRESENTATIVE FROM A HARM REDUCTION  
25 ORGANIZATION; AND

26 (IX) A SUBSTANCE USE TREATMENT OR RECOVERY PROVIDER.

27 (b) EACH MEMBER'S TERM IS THREE YEARS; EXCEPT THAT THE  
28 TERM OF THE FIRST SIX MEMBERS APPOINTED IS TWO YEARS. MEMBERS  
29 MAY SERVE UP TO THREE TERMS. THE EXECUTIVE DIRECTOR SHALL FILL  
30 ANY VACANCIES ON THE COMMITTEE.

31 (c) THE COMMISSIONER SHALL MAKE AN EFFORT TO INCLUDE  
32 COMMITTEE MEMBERS WORKING IN AND REPRESENTING COMMUNITIES  
33 THAT ARE DIVERSE WITH REGARD TO RACE, ETHNICITY, IMMIGRATION  
34 STATUS, ENGLISH PROFICIENCY, INCOME, WEALTH, AND GEOGRAPHIC  
35 REGION OF THE STATE, INCLUDING BOTH URBAN AND RURAL AREAS.

36 (3) THE COMMITTEE MAY FORM SPECIAL AD HOC PANELS TO  
37 FURTHER INVESTIGATE DRUG TRENDS, OVERDOSES AND  
38 OVERDOSE-RELATED DEATHS WHEN THE NEED ARISES.

39 (4) THE COMMITTEE SHALL:

40 (a) REVIEW A REPRESENTATIVE SUBSET OF NON-FATAL AND FATAL  
41 OVERDOSES IN COLORADO;

42 (b) REVIEW MEDICAL RECORDS AND OTHER RELEVANT DATA  
43 RELATED TO EACH OVERDOSE DEATH, INCLUDING, BUT NOT LIMITED TO,

1 WHETHER THE PERSON WAS RECENTLY ENGAGED IN TREATMENT OR  
2 PREVIOUSLY INCARCERATED;

3 (c) TAKE STEPS TO IMPROVE THE QUALITY AND SCOPE OF DATA  
4 OBTAINED THROUGH INVESTIGATIONS AND REVIEW OF OVERDOSES AND  
5 OVERDOSE-RELATED DEATHS;

6 (d) IDENTIFY TRENDS AND PATTERNS ACROSS RACIAL,  
7 GEOGRAPHIC, AND OTHER GROUPS RELATED TO OVERDOSES AND  
8 OVERDOSE-RELATED DEATHS;

9 (e) DEVELOP EVIDENCE-BASED RECOMMENDATIONS FOR THE  
10 PREVENTION OF OVERDOSES AND OVERDOSE-RELATED DEATHS AND  
11 DELIVER THE RECOMMENDATIONS TO THE LEGISLATURE AND GOVERNOR;

12 (f) PERFORM ANY OTHER FUNCTIONS AS RESOURCES ALLOW TO  
13 ENHANCE THE CAPABILITY OF THE STATE TO REDUCE AND PREVENT  
14 OVERDOSES AND OVERDOSE-RELATED DEATHS;

15 (g) ADVISE THE OFFICE IN THE ADMINISTRATION'S WORK ON  
16 DECREASING OVERDOSES AND OVERDOSE-RELATED DEATHS;

17 (h) INFORM THE LEGISLATURE AND GOVERNOR OF DRUG TRENDS  
18 NATIONALLY, INCLUDING IF A NEW DRUG TREND OCCURS, AND WHAT THE  
19 STATE MAY DO TO MITIGATE ANY FORTHCOMING HARM THE DRUG MAY  
20 HAVE ON THE STATE; AND

21 (i) FACILITATE THE DEVELOPMENT OF A COMPREHENSIVE  
22 STATEWIDE DATABASE FOR THE PURPOSES OF ADDRESSING THE OVERDOSE  
23 CRISIS.

24 (5) THE ADMINISTRATION SHALL COMPILE REPORTS IN  
25 DISAGGREGATED AND DE-IDENTIFIED FORMS ON TRENDS OR OTHER  
26 FINDINGS AND RECOMMENDATIONS ON A BI-ANNUAL BASIS FOR  
27 DISTRIBUTION IN AN EFFORT TO FURTHER STUDY THE CAUSES AND  
28 PROBLEMS ASSOCIATED WITH OVERDOSES AND OVERDOSE-RELATED  
29 DEATHS THAT MAY BE DISTRIBUTED TO POLICY MAKERS, LAW  
30 ENFORCEMENT, HEALTH-CARE PROVIDERS AND FACILITIES, BEHAVIORAL  
31 HEALTH PROVIDERS, PUBLIC HEALTH PROFESSIONALS, AND OTHERS  
32 NECESSARY TO REDUCE OVERDOSES AND OVERDOSE-RELATED DEATHS.

33 (6) (a) (I) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE  
34 COMMITTEE MAY ACCESS MEDICAL RECORDS RELATED TO MATERNAL  
35 DEATHS UPON REQUEST AT ANY TIME UP TO SEVEN YEARS AFTER THE LAST  
36 TREATMENT OF A PATIENT.

37 (II) A HEALTH-CARE PROVIDER OR A HEALTH-CARE FACILITY  
38 LICENSED OR CERTIFIED PURSUANT TO ARTICLE 3 OF THIS TITLE 25 SHALL  
39 PROVIDE MEDICAL RECORDS TO THE ADMINISTRATION CONCERNING EACH  
40 MATERNAL MORTALITY FOR ACCESS BY THE MEMBERS OF THE COMMITTEE.

41 (III) UPON REQUEST OF THE ADMINISTRATION, A LAW  
42 ENFORCEMENT OFFICER SHALL PROVIDE A POLICE REPORT, AND A CORONER  
43 SHALL PROVIDE RECORDS OF THE CORONER AND MEDICAL EXAMINER

1 INVESTIGATIONS, THAT INVOLVE A MATERNAL DEATH TO THE COMMITTEE.  
2 (IV) A HEALTH-CARE PROVIDER, PHARMACIST, HEALTH-CARE  
3 FACILITY, LAW ENFORCEMENT OFFICER, OR CORONER IS NOT CIVILLY OR  
4 CRIMINALLY LIABLE FOR THE RELEASE OF MEDICAL RECORDS WHEN  
5 MAKING A GOOD-FAITH EFFORT TO COMPLY WITH THIS SUBSECTION (6).  
6 (b) (I) THE DISCUSSIONS IN COMMITTEE MEETINGS OR MEETINGS  
7 OF AN AD HOC PANEL FORMED PURSUANT TO SECTION 25-52-104 (3)  
8 CONCERNING DETAILS OF A MATERNAL DEATH THAT COULD IDENTIFY AN  
9 INDIVIDUAL INVOLVED ARE CONFIDENTIAL AND ARE NOT SUBJECT TO  
10 SECTION 24-6-402.  
11 (II) THE COMMITTEE MEETING NOTES, STATEMENTS, MEDICAL  
12 RECORDS, REPORTS, COMMUNICATIONS, AND MEMORANDA OBTAINED BY  
13 THE COMMITTEE THAT CONTAIN INFORMATION THAT COULD IDENTIFY AN  
14 INDIVIDUAL INVOLVED IN A MATERNAL DEATH ARE CONFIDENTIAL AND  
15 ARE NOT SUBJECT TO THE "COLORADO OPEN RECORDS ACT", PART 2 OF  
16 ARTICLE 72 OF TITLE 24.  
17 (III) MEMBERS OF THE COMMITTEE ARE NOT SUBJECT TO  
18 SUBPOENA IN ANY CIVIL, CRIMINAL, OR ADMINISTRATIVE PROCEEDING  
19 REGARDING THE INFORMATION PRESENTED IN OR OPINIONS FORMED AS A  
20 RESULT OF A MEETING OR COMMUNICATION OF THE COMMITTEE; EXCEPT  
21 THAT THIS SUBSECTION (2)(C) DOES NOT PREVENT A MEMBER OF THE  
22 COMMITTEE FROM TESTIFYING REGARDING INFORMATION OR OPINIONS  
23 OBTAINED INDEPENDENTLY OF THE COMMITTEE OR THAT ARE PUBLIC  
24 INFORMATION.  
25 (IV) NOTES, STATEMENTS, MEDICAL RECORDS, REPORTS,  
26 COMMUNICATIONS, AND MEMORANDA THAT ARE CONFIDENTIAL PURSUANT  
27 TO SUBSECTIONS (2)(a) AND (2)(b) OF THIS SECTION ARE NOT:  
28 (A) SUBJECT TO SUBPOENA, DISCOVERY, OR INTRODUCTION INTO  
29 EVIDENCE IN ANY CIVIL, CRIMINAL, OR ADMINISTRATIVE PROCEEDING,  
30 UNLESS THE SUBPOENA IS DIRECTED TO A SOURCE THAT IS SEPARATE AND  
31 APART FROM THE COMMITTEE. NOTHING IN THIS SECTION LIMITS OR  
32 RESTRICTS THE RIGHT TO DISCOVER OR USE IN A CIVIL, CRIMINAL, OR  
33 ADMINISTRATIVE PROCEEDING NOTES, STATEMENTS, MEDICAL RECORDS,  
34 REPORTS, COMMUNICATIONS, OR MEMORANDA THAT ARE AVAILABLE FROM  
35 ANOTHER SOURCE SEPARATE AND APART FROM THE COMMITTEE AND THAT  
36 ARISE ENTIRELY INDEPENDENT OF THE COMMITTEE'S ACTIVITIES.  
37 (B) ADMISSIBLE AS EVIDENCE IN ANY ACTION IN ANY COURT OR  
38 BEFORE ANY TRIBUNAL, BOARD, AGENCY, OR PERSON AND SHALL NOT BE  
39 EXHIBITED OR DISCLOSED IN ANY WAY BY ANY PERSON UNLESS THE  
40 INFORMATION WAS OBTAINED FROM ANOTHER SOURCE THAT IS SEPARATE  
41 AND APART FROM THE COMMITTEE, EXCEPT AS MAY BE NECESSARY TO  
42 FURTHER THE DUTIES OF THE COMMITTEE OR IN RESPONSE TO AN ALLEGED  
43 VIOLATION OF A CONFIDENTIALITY AGREEMENT PURSUANT TO SUBSECTION

1 (6)(b)(V) OF THIS SECTION.

2 (V) EACH COMMITTEE MEMBER SHALL SIGN A CONFIDENTIALITY  
3 AGREEMENT THAT REQUIRES THE MEMBER'S ADHERENCE TO SUBSECTIONS  
4 (6)(b)(I) AND (6)(b)(II) OF THIS SECTION. A MEMBER WHO KNOWINGLY  
5 VIOLATES THE CONFIDENTIALITY AGREEMENT COMMITS A PETTY OFFENSE.

6 (7) THE COMMITTEE AND THE ADMINISTRATION SHALL COMPLY  
7 WITH ALL APPLICABLE STATE AND FEDERAL LAWS AND RULES RELATING TO  
8 THE TRANSMISSION OF HEALTH INFORMATION.

9 (8) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2033.  
10 BEFORE THE REPEAL, THE FUNCTIONS OF THE COMMITTEE ARE SCHEDULED  
11 FOR REVIEW IN ACCORDANCE WITH SECTION 2-3-1203.

12 **SECTION 41.** In Colorado Revised Statutes, 2-3-1203, **add** (22)  
13 as follows:

14 **2-3-1203. Sunset review of advisory committees - legislative**  
15 **declaration - definition - repeal.** (22) (a) THE FOLLOWING STATUTORY  
16 AUTHORIZATIONS FOR THE DESIGNATED ADVISORY COMMITTEES WILL  
17 REPEAL ON SEPTEMBER 1, 2032:

18 (I) THE COLORADO OVERDOSE PREVENTION REVIEW COMMITTEE  
19 CREATED IN SECTION 27-60-114;

20 (b) THIS SUBSECTION (22) IS REPEALED, EFFECTIVE SEPTEMBER 1,  
21 2033.

22 **SECTION 42.** In Colorado Revised Statutes, 2-3-1203, **add** (22)  
23 as follows:

24 **2-3-1203. Sunset review of advisory committees - legislative**  
25 **declaration - definition - repeal.** (22) (a) THE FOLLOWING STATUTORY  
26 AUTHORIZATIONS FOR THE DESIGNATED ADVISORY COMMITTEES WILL  
27 REPEAL ON SEPTEMBER 1, 2032:

28 (I) THE COLORADO OVERDOSE PREVENTION REVIEW COMMITTEE  
29 CREATED IN SECTION 27-50-802;

30 (b) THIS SUBSECTION (22) IS REPEALED, EFFECTIVE SEPTEMBER 1,  
31 2033."

32 Renumber succeeding sections accordingly.

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