

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) ON JULY 1, 2024, THE COLORADO
6 OVERDOSE PREVENTION REVIEW COMMITTEE IS CREATED IN THE OFFICE,
7 REFERRED TO IN THIS 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 REPRESENTATIVE OF THE DISTRICT ATTORNEYS APPOINTED
35 BY THE EXECUTIVE DIRECTOR OF THE COLORADO DISTRICT ATTORNEYS'
36 COUNCIL;

37 (V) A REPRESENTATIVE OF COUNTY SHERIFFS, APPOINTED BY THE
38 DIRECTOR OF A STATEWIDE ORGANIZATION REPRESENTING SHERIFFS;

39 (VI) A REPRESENTATIVE OF THE CHIEFS OF POLICE, APPOINTED BY
40 THE PRESIDENT OF A STATEWIDE ORGANIZATION OF CHIEFS OF POLICE;

1 (VII) A PUBLIC DEFENDER;
2 (VIII) A REPRESENTATIVE FROM A HARM REDUCTION
3 ORGANIZATION; AND
4 (IX) A SUBSTANCE USE TREATMENT OR RECOVERY PROVIDER.
5 (b) EACH MEMBER'S TERM IS THREE YEARS; EXCEPT THAT THE
6 TERM OF THE FIRST SIX MEMBERS APPOINTED IS TWO YEARS. MEMBERS
7 MAY SERVE UP TO THREE TERMS. THE EXECUTIVE DIRECTOR SHALL FILL
8 ANY VACANCIES ON THE COMMITTEE.
9 (c) THE EXECUTIVE DIRECTOR SHALL MAKE AN EFFORT TO INCLUDE
10 COMMITTEE MEMBERS WORKING IN AND REPRESENTING COMMUNITIES
11 THAT ARE DIVERSE WITH REGARD TO RACE, ETHNICITY, IMMIGRATION
12 STATUS, ENGLISH PROFICIENCY, INCOME, WEALTH, AND GEOGRAPHIC
13 REGION OF THE STATE, INCLUDING BOTH URBAN AND RURAL AREAS.
14 (3) THE COMMITTEE MAY FORM SPECIAL AD HOC PANELS TO
15 FURTHER INVESTIGATE DRUG TRENDS, OVERDOSES AND
16 OVERDOSE-RELATED DEATHS WHEN THE NEED ARISES.
17 (4) THE COMMITTEE SHALL:
18 (a) REVIEW A REPRESENTATIVE SUBSET OF NON-FATAL AND FATAL
19 OVERDOSES IN COLORADO;
20 (b) REVIEW MEDICAL RECORDS AND OTHER RELEVANT DATA
21 RELATED TO EACH OVERDOSE DEATH, INCLUDING, BUT NOT LIMITED TO,
22 WHETHER THE PERSON WAS RECENTLY ENGAGED IN TREATMENT OR
23 PREVIOUSLY INCARCERATED;
24 (c) TAKE STEPS TO IMPROVE THE QUALITY AND SCOPE OF DATA
25 OBTAINED THROUGH INVESTIGATIONS AND REVIEW OF OVERDOSES AND
26 OVERDOSE-RELATED DEATHS;
27 (d) IDENTIFY TRENDS AND PATTERNS ACROSS RACIAL,
28 GEOGRAPHIC, AND OTHER GROUPS RELATED TO OVERDOSES AND
29 OVERDOSE-RELATED DEATHS;
30 (e) DEVELOP EVIDENCE-BASED RECOMMENDATIONS FOR THE
31 PREVENTION OF OVERDOSES AND OVERDOSE-RELATED DEATHS AND
32 DELIVER THE RECOMMENDATIONS TO THE LEGISLATURE AND GOVERNOR;
33 (f) PERFORM ANY OTHER FUNCTIONS AS RESOURCES ALLOW TO
34 ENHANCE THE CAPABILITY OF THE STATE TO REDUCE AND PREVENT
35 OVERDOSES AND OVERDOSE-RELATED DEATHS;
36 (g) ADVISE THE OFFICE IN THE ADMINISTRATION'S WORK ON
37 DECREASING OVERDOSES AND OVERDOSE-RELATED DEATHS;
38 (h) INFORM THE LEGISLATURE AND GOVERNOR OF DRUG TRENDS
39 NATIONALLY, INCLUDING IF A NEW DRUG TREND OCCURS AND WHAT THE
40 STATE MAY DO TO MITIGATE ANY FORTHCOMING HARM THE DRUG MAY
41 HAVE ON THE STATE; AND
42 (i) FACILITATE THE DEVELOPMENT OF A COMPREHENSIVE
43 STATEWIDE DATABASE FOR THE PURPOSE OF ADDRESSING THE OVERDOSE

1 CRISIS.

2 (5) THE OFFICE SHALL COMPILE REPORTS IN DISAGGREGATED AND
3 DE-IDENTIFIED FORMS ON TRENDS OR OTHER FINDINGS AND
4 RECOMMENDATIONS ON A BI-ANNUAL BASIS FOR DISTRIBUTION IN AN
5 EFFORT TO FURTHER STUDY THE CAUSES AND PROBLEMS ASSOCIATED WITH
6 OVERDOSES AND OVERDOSE-RELATED DEATHS THAT MAY BE DISTRIBUTED
7 TO POLICY MAKERS, LAW ENFORCEMENT, HEALTH-CARE PROVIDERS AND
8 FACILITIES, BEHAVIORAL HEALTH PROVIDERS, PUBLIC HEALTH
9 PROFESSIONALS, AND OTHERS NECESSARY TO REDUCE OVERDOSES AND
10 OVERDOSE-RELATED DEATHS.

11 (6) (a) (I) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE
12 COMMITTEE MAY ACCESS MEDICAL RECORDS RELATED TO OVERDOSE
13 DEATHS UPON REQUEST AT ANY TIME UP TO SEVEN YEARS AFTER THE LAST
14 TREATMENT OF A PATIENT.

15 (II) A HEALTH-CARE PROVIDER OR A HEALTH-CARE FACILITY
16 LICENSED OR CERTIFIED PURSUANT TO ARTICLE 3 OF THIS TITLE 25 SHALL
17 PROVIDE MEDICAL RECORDS TO THE DEPARTMENT CONCERNING EACH
18 OVERDOSE DEATH FOR ACCESS BY THE MEMBERS OF THE COMMITTEE.

19 (III) UPON REQUEST OF THE DEPARTMENT, A LAW ENFORCEMENT
20 OFFICER SHALL PROVIDE A POLICE REPORT, AND A CORONER SHALL
21 PROVIDE RECORDS OF THE CORONER AND MEDICAL EXAMINER
22 INVESTIGATIONS, THAT INVOLVE A OVERDOSE DEATH TO THE COMMITTEE.

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

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

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

38 (III) MEMBERS OF THE COMMITTEE ARE NOT SUBJECT TO
39 SUBPOENA IN ANY CIVIL, CRIMINAL, OR ADMINISTRATIVE PROCEEDING
40 REGARDING THE INFORMATION PRESENTED IN OR OPINIONS FORMED AS A
41 RESULT OF A MEETING OR COMMUNICATION OF THE COMMITTEE; EXCEPT
42 THAT THIS SUBSECTION (2)(c) DOES NOT PREVENT A MEMBER OF THE
43 COMMITTEE FROM TESTIFYING REGARDING INFORMATION OR OPINIONS

1 OBTAINED INDEPENDENTLY OF THE COMMITTEE OR THAT ARE PUBLIC
2 INFORMATION.

3 (IV) NOTES, STATEMENTS, MEDICAL RECORDS, REPORTS,
4 COMMUNICATIONS, AND MEMORANDA THAT ARE CONFIDENTIAL PURSUANT
5 TO SUBSECTIONS (2)(a) AND (2)(b) OF THIS SECTION ARE NOT:

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

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

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

27 (7) THE COMMITTEE AND THE DEPARTMENT SHALL COMPLY WITH
28 ALL APPLICABLE STATE AND FEDERAL LAWS AND RULES RELATING TO THE
29 TRANSMISSION OF HEALTH INFORMATION.

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

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

36 **27-50-802. Colorado overdose prevention review committee -**
37 **creation - duties - repeal.** (1) ON JULY 1, 2024, THE COLORADO
38 OVERDOSE PREVENTION REVIEW COMMITTEE IS CREATED IN THE
39 BEHAVIORAL HEALTH ADMINISTRATION, REFERRED TO IN THIS SECTION AS
40 THE "COMMITTEE", FOR THE PURPOSE OF:

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

43 (b) IDENTIFYING THE CAUSES OF OVERDOSES AND

1 OVERDOSE-RELATED DEATH AND CONDUCTING A REVIEW OF OTHER
2 FACTORS INCLUDING, BUT NOT LIMITED TO, HOUSING STATUS OR CRIMINAL
3 JUSTICE INVOLVEMENT;

4 (c) DEVELOPING EVIDENCE-BASED RECOMMENDATIONS TO
5 ADDRESS PREVENTABLE OVERDOSE-RELATED DEATH, INCLUDING
6 LEGISLATION, POLICIES, AREAS FOR FURTHER SCIENTIFIC RESEARCH,
7 RULES, TRAINING, AND BEST PRACTICES THAT WILL SUPPORT THE HEALTH
8 AND SAFETY OF INDIVIDUALS WHO USE SUBSTANCES THAT MAY CAUSE
9 OVERDOSE IN COLORADO AND PREVENT OVERDOSE-RELATED DEATHS; AND

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

15 (2) (a) THE COMMISSIONER SHALL APPOINT THE FOLLOWING
16 MEMBERS TO SERVE ON THE COMMITTEE:

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

19 (II) TWO PHYSICIANS WITH EXPERTISE IN ADDICTION MEDICINE,
20 ONE OF WHOM HAS EXPERTISE IN MEDICAL COMPLICATIONS OF SUBSTANCE
21 USE;

22 (III) TWO PUBLIC HEALTH OR EPIDEMIOLOGY EXPERTS WITH
23 EXPERTISE IN SUBSTANCE USE;

24 (IV) A REPRESENTATIVE OF THE DISTRICT ATTORNEYS APPOINTED
25 BY THE EXECUTIVE DIRECTOR OF THE COLORADO DISTRICT ATTORNEYS'
26 COUNCIL;

27 (V) A REPRESENTATIVE OF COUNTY SHERIFFS, APPOINTED BY THE
28 DIRECTOR OF A STATEWIDE ORGANIZATION REPRESENTING SHERIFFS;

29 (VI) A REPRESENTATIVE OF THE CHIEFS OF POLICE, APPOINTED BY
30 THE PRESIDENT OF A STATEWIDE ORGANIZATION OF CHIEFS OF POLICE;

31 (VII) A PUBLIC DEFENDER;

32 (VIII) A REPRESENTATIVE FROM A HARM REDUCTION
33 ORGANIZATION; AND

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

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

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

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

4 (4) THE COMMITTEE SHALL:

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

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

11 (c) TAKE STEPS TO IMPROVE THE QUALITY AND SCOPE OF DATA
12 OBTAINED THROUGH INVESTIGATIONS AND REVIEW OF OVERDOSES AND
13 OVERDOSE-RELATED DEATHS;

14 (d) IDENTIFY TRENDS AND PATTERNS ACROSS RACIAL,
15 GEOGRAPHIC, AND OTHER GROUPS RELATED TO OVERDOSES AND
16 OVERDOSE-RELATED DEATHS;

17 (e) DEVELOP EVIDENCE-BASED RECOMMENDATIONS FOR THE
18 PREVENTION OF OVERDOSES AND OVERDOSE-RELATED DEATHS AND
19 DELIVER THE RECOMMENDATIONS TO THE LEGISLATURE AND GOVERNOR;

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

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

25 (h) INFORM THE LEGISLATURE AND GOVERNOR OF DRUG TRENDS
26 NATIONALLY, INCLUDING IF A NEW DRUG TREND OCCURS, AND WHAT THE
27 STATE MAY DO TO MITIGATE ANY FORTHCOMING HARM THE DRUG MAY
28 HAVE ON THE STATE; AND

29 (i) FACILITATE THE DEVELOPMENT OF A COMPREHENSIVE
30 STATEWIDE DATABASE FOR THE PURPOSES OF ADDRESSING THE OVERDOSE
31 CRISIS.

32 (5) THE ADMINISTRATION SHALL COMPILE REPORTS IN
33 DISAGGREGATED AND DE-IDENTIFIED FORMS ON TRENDS OR OTHER
34 FINDINGS AND RECOMMENDATIONS ON A BI-ANNUAL BASIS FOR
35 DISTRIBUTION IN AN EFFORT TO FURTHER STUDY THE CAUSES AND
36 PROBLEMS ASSOCIATED WITH OVERDOSES AND OVERDOSE-RELATED
37 DEATHS THAT MAY BE DISTRIBUTED TO POLICY MAKERS, LAW
38 ENFORCEMENT, HEALTH-CARE PROVIDERS AND FACILITIES, BEHAVIORAL
39 HEALTH PROVIDERS, PUBLIC HEALTH PROFESSIONALS, AND OTHERS
40 NECESSARY TO REDUCE OVERDOSES AND OVERDOSE-RELATED DEATHS.

41 (6) (a) (I) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE
42 COMMITTEE MAY ACCESS MEDICAL RECORDS RELATED TO OVERDOSE
43 DEATHS UPON REQUEST AT ANY TIME UP TO SEVEN YEARS AFTER THE LAST

1 TREATMENT OF A PATIENT.

2 (II) A HEALTH-CARE PROVIDER OR A HEALTH-CARE FACILITY
3 LICENSED OR CERTIFIED PURSUANT TO ARTICLE 3 OF THIS TITLE 25 SHALL
4 PROVIDE MEDICAL RECORDS TO THE ADMINISTRATION CONCERNING EACH
5 OVERDOSE MORTALITY FOR ACCESS BY THE MEMBERS OF THE COMMITTEE.

6 (III) UPON REQUEST OF THE ADMINISTRATION, A LAW
7 ENFORCEMENT OFFICER SHALL PROVIDE A POLICE REPORT, AND A CORONER
8 SHALL PROVIDE RECORDS OF THE CORONER AND MEDICAL EXAMINER
9 INVESTIGATIONS, THAT INVOLVE A OVERDOSE DEATH TO THE COMMITTEE.

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

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

19 (II) THE COMMITTEE MEETING NOTES, STATEMENTS, MEDICAL
20 RECORDS, REPORTS, COMMUNICATIONS, AND MEMORANDA OBTAINED BY
21 THE COMMITTEE THAT CONTAIN INFORMATION THAT COULD IDENTIFY AN
22 INDIVIDUAL INVOLVED IN A OVERDOSE DEATH ARE CONFIDENTIAL AND ARE
23 NOT SUBJECT TO THE "COLORADO OPEN RECORDS ACT", PART 2 OF
24 ARTICLE 72 OF TITLE 24.

25 (III) MEMBERS OF THE COMMITTEE ARE NOT SUBJECT TO
26 SUBPOENA IN ANY CIVIL, CRIMINAL, OR ADMINISTRATIVE PROCEEDING
27 REGARDING THE INFORMATION PRESENTED IN OR OPINIONS FORMED AS A
28 RESULT OF A MEETING OR COMMUNICATION OF THE COMMITTEE; EXCEPT
29 THAT THIS SUBSECTION (2)(C) DOES NOT PREVENT A MEMBER OF THE
30 COMMITTEE FROM TESTIFYING REGARDING INFORMATION OR OPINIONS
31 OBTAINED INDEPENDENTLY OF THE COMMITTEE OR THAT ARE PUBLIC
32 INFORMATION.

33 (IV) NOTES, STATEMENTS, MEDICAL RECORDS, REPORTS,
34 COMMUNICATIONS, AND MEMORANDA THAT ARE CONFIDENTIAL PURSUANT
35 TO SUBSECTIONS (2)(a) AND (2)(b) OF THIS SECTION ARE NOT:

36 (A) SUBJECT TO SUBPOENA, DISCOVERY, OR INTRODUCTION INTO
37 EVIDENCE IN ANY CIVIL, CRIMINAL, OR ADMINISTRATIVE PROCEEDING,
38 UNLESS THE SUBPOENA IS DIRECTED TO A SOURCE THAT IS SEPARATE AND
39 APART FROM THE COMMITTEE. NOTHING IN THIS SECTION LIMITS OR
40 RESTRICTS THE RIGHT TO DISCOVER OR USE IN A CIVIL, CRIMINAL, OR
41 ADMINISTRATIVE PROCEEDING NOTES, STATEMENTS, MEDICAL RECORDS,
42 REPORTS, COMMUNICATIONS, OR MEMORANDA THAT ARE AVAILABLE FROM
43 ANOTHER SOURCE SEPARATE AND APART FROM THE COMMITTEE AND THAT

1 ARISE ENTIRELY INDEPENDENT OF THE COMMITTEE'S ACTIVITIES.

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

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

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

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

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

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

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

28 (b) THIS SUBSECTION (22) IS REPEALED, EFFECTIVE SEPTEMBER 1,
29 2033.

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

32 **2-3-1203. Sunset review of advisory committees - legislative**
33 **declaration - definition - repeal.** (22) (a) THE FOLLOWING STATUTORY
34 AUTHORIZATIONS FOR THE DESIGNATED ADVISORY COMMITTEES WILL
35 REPEAL ON SEPTEMBER 1, 2032:

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

38 (b) THIS SUBSECTION (22) IS REPEALED, EFFECTIVE SEPTEMBER 1,
39 2033."

40 Renumber succeeding sections accordingly.

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