

MEMORANDUM

TO: Barbara Burgess
Andrew French, MD
Don Stadler, MD
Kevin McGarvey, MD

FROM: Suzanne Hamilton

DATE: January 22, 2018

RE: Weekly Legislative Report

HOUSE BILLS

Bill: [HB18-1003](#)

Title: Opioid Misuse Prevention

Status: Introduced In House - Assigned to Public Health Care & Human Services (01/10/2018)

Senate Sponsors [K. Priola](#) (R)
[C. Jahn](#) (D)

House Sponsors [B. Pettersen](#) (D)

Official
Summary

Opioid and Other Substance Use Disorders Interim Study

Committee. Section 1 of the bill establishes in statute the opioid and other substance use disorders study committee, consisting of 5 senators and 5 representatives from the general assembly, to:

- Study data and statistics on the scope of the substance use disorder problem in Colorado;
- Study current prevention, intervention, harm reduction, treatment, and recovery resources available to Coloradans, as well as public and private insurance coverage and other sources of support for treatment and recovery resources;
- Review the availability of medication-assisted treatment and the ability of pharmacists to prescribe those medications;
- Examine measures that other states and countries use to address substance use disorders;
- Identify the gaps in prevention, intervention, harm reduction, treatment, and recovery resources available to Coloradans and hurdles to accessing those resources; and
- Identify possible legislative options to address gaps and hurdles to accessing prevention, intervention, harm reduction, treatment, and recovery resources.

The committee is authorized to meet 6 times in a calendar year and may report up to 6 legislative measures to the legislative council, which

bills are exempt from bill limitations and introduction deadlines. The committee is repealed on July 1, 2020.

Section 2 specifies school-based health care centers may apply for grants from the school-based health center grant program to expand behavioral health services to include treatment for opioid and other substance use disorders.

Section 3 directs the department of health care policy and financing, starting July 1, 2018, to award grants to organizations to operate a substance abuse screening, brief intervention, and referral program.

Section 4 directs the center for research into substance use disorder prevention, treatment, and recovery to develop and implement continuing medical education activities to help prescribers of pain medication to safely and effectively manage patients with chronic pain, and when appropriate, prescribe opioids. Sections 2 through 4 also direct the general assembly to appropriate money to implement those sections.

Position Monitor

Comment

Bill: [HB18-1007](#)

Title: Substance Use Disorder Payment And Coverage

Status Introduced In House - Assigned to Public Health Care & Human Services (01/10/2018)

Senate Sponsors [C. Jahn](#) (D)
[K. Lambert](#) (R)

House Sponsors [J. Singer](#) (D)
[C. Kennedy](#) (D)

Opioid and Other Substance Use Disorders Interim Study

Committee. The bill requires all individual and group health benefit plans to provide coverage without prior authorization for a five-day supply of buprenorphine for a first request within a 12-month period. Additionally, all individual and group health benefit plans that cover physical therapy, acupuncture, or chiropractic services shall not

Official Summary subject those services to dollar limits, deductibles, copayments, or coinsurance provisions that are less favorable than those applicable to primary care services under the plan if the covered person has a diagnosis of chronic pain and has or has had a substance use disorder diagnosis.

The bill prohibits carriers from taking adverse action against a provider or from providing financial incentives or disincentives to a provider based solely on a patient satisfaction survey relating to the patient's satisfaction with pain treatment.

The bill clarifies that an urgent prior authorization request to a carrier includes a request for authorization of medication-assisted treatment for substance use disorders.

The bill permits a pharmacist who has entered into a collaborative pharmacy practice agreement with one or more physicians to administer injectable medication-assisted treatment for substance use disorders and receive an enhanced dispensing fee for the administration.

The bill prohibits carriers from requiring a covered person to undergo step therapy using a prescription drug or drugs that include an opioid before covering a non-opioid prescription drug recommended by the covered person's provider.

The bill requires the Colorado medical assistance program to authorize reimbursement for a ready-to-use version of intranasal naloxone hydrochloride without prior authorization.

The bill prohibits the requirement that a recipient of medical assistance undergo a step-therapy protocol using a prescription drug containing an opioid prior to authorizing reimbursement for a non-opioid prescription drug recommended by the person's health care provider.

The bill permits a pharmacist who has entered into a collaborative pharmacy practice agreement with one or more physicians to administer injectable medication-assisted treatment for substance use disorders and receive an enhanced dispensing fee under the Colorado medical assistance program for the administration.

The bill requires the department of health care policy and financing and the office of behavioral health in the department of human services to establish rules that standardize utilization management authority timelines for the non-pharmaceutical components of medication-assisted treatment for substance use disorders.

Position Monitor

Comment

Bill: [HB18-1009](#)

Title: Diabetes Drug Pricing Transparency Act 2018

Status Introduced In House - Assigned to Health, Insurance, & Environment (01/10/2018)

Senate Sponsors [K. Donovan](#) (D)

House Sponsors [D. Roberts](#) (D)

Official Summary The bill creates the Diabetes Drug Pricing Transparency Act of 2018. The state board of health is responsible for implementing the act. Drug manufacturers and pharmacy benefit managers must submit annual reports to the state board regarding drugs used to treat diabetes that are subject to price increases of certain percentages. The state board analyzes the submitted information and publishes a report. The state

board may impose penalties on drug manufacturers or pharmacy benefit managers who do not comply with reporting requirements. Nonprofit organizations advocating for patients with diabetes or funding diabetes medical research that receive contributions from certain diabetes drug manufacturers must annually report those contributions.

Position Monitor

Comment

Bill: [HB18-1015](#)

Title: Repeal Ammunition Magazine Prohibition

Status Introduced In House - Assigned to State, Veterans, & Military Affairs (01/10/2018)

Senate Sponsors [O. Hill](#) (R)

House Sponsors [S. Humphrey](#) (R)
[L. Saine](#) (R)

The bill repeals statutory provisions:

- Prohibiting the possession of certain ammunition magazines; and
- Requiring each of certain ammunition magazines that are manufactured in Colorado on or after July 1, 2013, to include a permanent stamp or marking indicating that the magazine was manufactured or assembled after July 1, 2013.

Official Summary

Position Monitor

Comment

Bill: [HB18-1028](#)

Title: Attorney General Deceptive Practice Court Order

Status Introduced In House - Assigned to Judiciary (01/10/2018)

Senate Sponsors [J. Tate](#) (R)
[L. Court](#) (D)

House Sponsors [T. Kraft-Tharp](#) (D)
[C. Wist](#) (R)

Under current law, if a person does not cooperate with an investigation by the attorney general or a district attorney regarding a potential deceptive trade practice, the attorney general or district attorney may seek a court order requiring compliance with the investigation. The application for a court order must state why the order is necessary to terminate or prevent a deceptive trade practice.

Official Summary

The bill would allow a judge to issue a court order if compliance

with an investigation is necessary to investigate a deceptive trade practice.

Position Monitor

Comment

Bill: [HB18-1032](#)

Title: Access Medical Records State Emergency Medical Services Patient Care Database

Status Introduced In House - Assigned to Health, Insurance, & Environment (01/10/2018)

Senate Sponsors [R. Fields](#) (D)

House Sponsors [D. Thurlow](#) (R)
[C. Kennedy](#) (D)

The bill requires the department of public health and environment to provide individualized patient information from the department's EMS agency patient care database to health information organization networks

Official Summary

for any use allowed under the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA). By contract with health information organization networks, the department must control access to patient information and limit the use of patient information to only those purposes allowed under HIPAA.

Position Monitor

Comment

Bill: [HB18-1037](#)

Title: Concealed Handguns On School Grounds

Status Introduced In House - Assigned to State, Veterans, & Military Affairs (01/10/2018)

Senate Sponsors [T. Neville](#) (R)

House Sponsors [P. Neville](#) (R)

Official Summary

With certain exceptions, current law limits the authority of a person who holds a valid permit to carry a concealed handgun by prohibiting a permit holder from carrying a concealed handgun on public elementary, middle, junior high, or high school grounds. The bill removes this limitation.

Position Monitor

Comment

Bill: [HB18-1059](#)

Title: Require 911 Call

Status Introduced In House - Assigned to Judiciary (01/10/2018)

Senate Sponsors

House Sponsors [J. Wilson](#) (R)

Official Summary The bill establishes a crime if a person knows or should know that another person is in need of emergency assistance and fails to call 911 or use another means to summon assistance.

Position Monitor

Comment

Bill: [HB18-1064](#)

Title: Training Program Prevention Child Sexual Abuse

Status Introduced In House - Assigned to Public Health Care & Human Services (01/10/2018)

Senate Sponsors

House Sponsors [D. Michaelson Jenet](#) (D)

Official Summary The bill directs the Colorado children's trust fund board to develop and administer a training program to prevent child sexual abuse (program) for early childhood providers and others who interact with young children.

Position Monitor

Comment

Bill: [HB18-1068](#)

Title: Eliminate Registered In Naturopathic Doctor Title

Status Introduced In House - Assigned to Public Health Care & Human Services (01/10/2018)

Senate Sponsors [D. Coram](#) (R)
[L. Crowder](#) (R)

House Sponsors [J. Ginal](#) (D)
[L. Landgraf](#) (R)

Official Summary Current law requires a naturopathic doctor to use the term registered in the doctor's title. The bill changes the titles that naturopathic doctors may use by eliminating the word registered.

Position Monitor

Comment

SENATE BILLS

Bill: [SB18-022](#)

Title: Clinical Practice For Opioid Prescribing

Status Introduced In Senate - Assigned to Health & Human Services (01/10/2018)

Senate Sponsors [I. Aguilar](#) (D)
[J. Tate](#) (R)

House Sponsors [C. Kennedy](#) (D)
[B. Pettersen](#) (D)

Opioid and Other Substance Use Disorders Interim Study Committee. The bill restricts the number of opioid pills that a health care practitioner, including physicians, physician assistants, advanced practice nurses, dentists, optometrists, podiatrists, and veterinarians, may prescribe for an initial prescription to a 7-day supply and one refill for a 7-day supply, with certain exceptions. The bill clarifies that a health care practitioner may electronically prescribe opioids.

Official Summary Current law allows health care practitioners and other individuals to query the prescription drug monitoring program (program). The bill requires health care practitioners to query the program before prescribing the first refill prescription for an opioid except under specified circumstances, and requires the practitioner to indicate his or her specialty or practice area upon the initial query. The bill requires the department of public health and environment to report to the general assembly its results from studies regarding the prescription drug monitoring program integration methods and health care provider report cards.

Position Monitor

Comment

Bill: [SB18-023](#)

Title: Promote Off-label Use Pharmaceutical Products
Status Introduced In Senate - Assigned to Health & Human Services (01/10/2018)
Senate Sponsors [B. Martinez Humenik](#) (R)
House Sponsors [J. Ginal](#) (D)
Official Summary The bill allows a pharmaceutical manufacturer or its representative to promote the off-label use of a prescription drug, biological product, or device approved by the United States food and drug administration.
Position Monitor
Comment

Bill: [SB18-024](#)

Title: Expand Access Behavioral Health Care Providers
Status Introduced In Senate - Assigned to Health & Human Services (01/10/2018)
Senate Sponsors [C. Jahn](#) (D)
[J. Tate](#) (R)
House Sponsors [J. Singer](#) (D)

Opioid and Other Substance Use Disorders Interim Study Committee. The bill modifies the Colorado health service corps program

administered by the primary care office in the department of public health

and environment as follows:

- For purposes of determining areas in the state in which there is a shortage of health care professionals and behavioral health care providers to meet the needs of the community, allows the primary care office, under guidance adopted by the state board of health, to develop and administer state health professional shortage areas using state-specific methodologies;
- Allows behavioral health care providers, which include licensed and certified addiction counselors, licensed professional counselors, licensed clinical social workers, licensed marriage and family therapists, clinical psychologists, advanced practice nurses, and physicians certified or trained in addiction medicine, pain management, or psychiatry, and candidates for licensure as an addiction counselor, professional counselor, clinical social worker, marriage and family therapist, or

Official Summary

psychologist, to participate in the loan repayment program on the condition of committing to provide behavioral health care services in health professional shortage areas for a specified period;

- Directs the advisory council to prioritize loan repayment and scholarships for those behavioral health care providers, candidates for licensure, or addiction counselors who provide behavioral health care services in nonprofit or public employer settings but permits consideration of applicants practicing in a private setting that serves underserved populations;
- Establishes a scholarship program to help defray the education and training costs associated with obtaining certification as an addiction counselor or with progressing to a higher level of certification;
- Adds 2 members to the advisory council that reviews program applications, which members include a representative of an organization representing substance use disorder treatment providers and a licensed or certified addiction counselor who has experience in rural health, safety net clinics, or health equity;
- Modifies program reporting requirements and requires annual reporting that coincides with required SMART Act reporting by the department; and
- Requires the general assembly to annually appropriate \$2.5 million from the marijuana tax cash fund to the primary care office to provide loan repayment for behavioral health care providers and candidates for licensure participating in the Colorado health service corps and to award scholarships to addiction counselors participating in the scholarship program.

Position Monitor

Comment

Bill: [SB18-040](#)

Title: Substance Use Disorder Harm Reduction

Status Introduced In Senate - Assigned to State, Veterans, & Military Affairs (01/10/2018)

Senate Sponsors [C. Jahn](#) (D)
[K. Lambert](#) (R)

House Sponsors [J. Singer](#) (D)

Official Summary **Opioid and Other Substance Use Disorders Interim Study Committee.** The bill:

- Specifies that hospitals may be used as clean syringe exchange sites (**section 1**);
- Provides civil immunity for participants of a clean syringe exchange program (**section 1**);
- Creates a supervised injection facility pilot program in the city and county of Denver and provides civil and criminal immunity for the approved supervised injection facility (**sections 2 through 4**);
- Allows school districts and nonpublic schools to develop a policy by which schools are allowed to obtain a supply of opiate antagonists and school employees are trained to administer opiate antagonists to individuals at risk of experiencing a drug overdose (**sections 5 through 11**); and
- Requires the commission on criminal and juvenile justice to study certain topics related to sentencing for opioid-related offenses (**section 12**).

Position Monitor

Comment

Bill: [SB18-049](#)

Title: Use Of Mobile Electronic Devices While Driving

Status Introduced In Senate - Assigned to State, Veterans, & Military Affairs (01/10/2018)

Senate Sponsors [L. Court](#) (D)

House Sponsors [J. Melton](#) (D)

Current law prohibits the use of wireless telephones while driving for individuals who are younger than 18 years of age. The bill:

- Extends the prohibition to drivers of all ages;
- Increases the penalty for minor drivers from \$50 per violation to \$300 per violation, to match the penalty that currently applies to adult drivers;

Official Summary

- Extends the existing prohibition of the use of wireless telephones to include all mobile electronic devices;
- Creates an exception to the prohibition of the use of mobile electronic devices for adult drivers who use a mobile electronic device through the use of a hands-free device; and
- Repeals a sentence enhancement for a violation that causes a bodily injury or death.

Position Monitor

Comment

Bill: [SB18-050](#)

Title: Free-standing Emergency Facility As Safe Haven

Status: Introduced In Senate - Assigned to Health & Human Services
(01/10/2018)

Senate Sponsors: [J. Smallwood](#) (R)

House Sponsors:

Official Summary: The bill expands Colorado's safe haven laws to include staff members of free-standing emergency facilities as persons allowed to take temporary physical custody of infants 72 hours old or younger when the infant is voluntarily surrendered by its parent or parents.

Position: Monitor

Comment:

Bill: [SB18-058](#)

Title: Failure Report Child Abuse Statute Of Limitations

Status: Introduced In Senate - Assigned to State, Veterans, & Military Affairs
(01/11/2018)

Senate Sponsors: [R. Fields](#) (D)

House Sponsors: [T. Carver](#) (R)

Official Summary: The bill makes failure to report child abuse or neglect one of the crimes in which the statute of limitations begins to run upon discovery of the criminal act or the delinquent act.

Position: Monitor

Comment: