

HB24-1028: OVERDOSE PREVENTION CENTERS

Concerning the authorization for a municipality to allow for the operation of an overdose prevention center within its jurisdiction.

Details

Bill Sponsors:	House – <i>Rep. Epps (D)</i> Senate – <i>Sen. Priola (D)</i>
Committee:	House Health & Human Services
Bill History:	01/10/24- Introduced in the House
Next Action:	Hearing in House Health & Human Services
Fiscal Note:	<u>01/23/24</u>

Bill Summary

The bill specifies that the governing body of a municipality, which includes a city, town, and city and county, may authorize the operation of an overdose prevention center within the municipality's boundaries to save the lives of persons at risk of preventable overdoses.

Issue Summary

Overdose prevention centers (OPCs) have been operating in foreign countries for decades as a harm reduction strategy to address overdoses.¹ At these OPCs individuals can consume substances that were obtained elsewhere in a setting where trained staff can detect and respond to possible overdoses while also being a resource to connect those who are ready to health and support services.

Research indicates that OPCs offer several benefits, including a reduction in fatal overdoses and an improvement in the overall health of both individuals with a substance use disorder (SUD) and the community at large.² There is minimal evidence to suggest that OPCs increase drug-related crimes, with some studies suggesting a potential decrease.³ Self-reported data from such facilities reveal that heroin or fentanyl is the most commonly used drug, with injection being the preferred method of administration.⁴ Additionally, a significant proportion of those who utilize OPCs indicate they would have consumed drugs in public spaces if the center were unavailable.⁵ The effectiveness of OPC in reducing overdoses is modest, typically resulting in a 20–30% reduction relative to rates outside the center.⁶ However, the primary benefits may lie in indirect effects that benefit the broader population with a SUD, including increased rates of treatment and recovery. Notably, populations that are disproportionately affected, such as unhoused

¹ National Institute on Drug Abuse (NIDA). (Aug 28 2023). Overdose Prevention Centers. Retrieved from <https://nida.nih.gov/research-topics/overdose-prevention-centers>

² Kral, A. H., & Davidson, P. J. (2017). Addressing the nation's opioid epidemic: Lessons from an unsanctioned supervised injection site in the US. *American Journal of Preventive Medicine*, 53(6), 919–922.

³ Davidson, P. J., Lambdin, B. H., Browne, E. N., Wenger, L. D., & Kral, A. H. (2021). Impact of an unsanctioned safe consumption site on criminal activity, 2010–2019. *Drug and Alcohol Dependence*, 220, 108521.

⁴ Potier, C., Laprévote, V., Dubois-Arber, F., Cottencin, O., & Rolland, B. (2014). Supervised injection services: What has been demonstrated? A systematic literature review. *Drug and Alcohol Dependence*, 145, 48–68.

⁵ Harocopos, A., Gibson, B. E., Saha, N., McRae, M. T., See, K., Rivera, S., & Chokshi, D. A. (2022). First 2 months of operation at first publicly recognized overdose prevention centers in US. *JAMA Network Open*, 5(7), e2222149–e2222149.

⁶ Wheeler, E., Jones, T. S., Gilbert, M. K., Davidson, P. J., & Centers for Disease Control and Prevention (CDC). (2015). Opioid Overdose Prevention Programs Providing Naloxone to Laypersons - United States, 2014. *MMWR Morbidity and Mortality Weekly Report*, 64(23), 631–635. PMID: 26086633; PMCID: PMC4584734.

individuals, face significantly higher overdose risks, underscoring the importance of accessible harm reduction strategies.⁷

Poor access to care, stemming from stigma, complex health and social conditions, as well as regulatory barriers limiting treatment options exacerbate the opioid overdose rate.⁸ Harm reduction strategies, including OPC, naloxone distribution, and peer support, play a crucial role in addressing substance use in person-centered approach.⁹ A comprehensive approach is needed, addressing both the immediate overdose risk and the underlying social and psychological factors driving substance use.¹⁰ Harm reduction principles emphasize respecting the rights of people who use drugs, incorporating evidence-based practices, promoting social justice, and combating stigma. Ultimately, harm reduction seeks to minimize the negative impacts associated with drug use while prioritizing health, human rights, and social equity.¹¹

This Legislation

The bill permits the governing board of a municipality to authorize overdose prevention centers within their boundaries.

An overdose prevention center is defined as a facility designed to provide:

- A space for individuals to use previously obtained controlled substances in a monitored setting under the supervision of health care professionals or other trained staff to provide treatment in the event of a potential overdose, and
- Other life-saving supports including access to sterile consumption equipment, tools to test for the presence of fentanyl, counseling, referrals to treatment, and other harm reduction services.

The bill takes effect immediately upon passage and approval from the Governor.

Fiscal Note

No appropriation is required.

Local Government

Conditional upon municipal approval, the bill may increase the workload of municipalities associated with any regulatory role over an overdose prevention center.

Reasons to Support

The bill promotes harm reduction by providing a safe and supervised environment for individuals to consume substances. This approach can help prevent fatal overdoses and reduce the transmission of infectious diseases associated with drug use. By authorizing OPCs the bill ensures that individuals experiencing overdose have immediate access to life-saving treatment and support services, including referrals to SUD treatment.

These centers can contribute to the health of a community that allows for their establishment by reducing the burden on emergency medical services and hospitals caused by overdose-related emergencies. They also

⁷ Craig, Gaeta Jessie M., Mackin, Sarah, Baggett, Travis P., Quinlan, Joan, & Taveras, Elsie M. (2020). Community Care in Reach: Mobilizing Harm Reduction and Addiction Treatment Services for Vulnerable Populations. *Frontiers in Public Health*, 8. <https://www.frontiersin.org/journals/public-health/articles/10.3389/fpubh.2020.00501>

⁸ International Harm Reduction Association. What is Harm Reduction? 2021. Available online: <https://www.hri.global/what-is-harm-reduction>

⁹ Mercer, F., Miler, J. A., Pauly, B., Carver, H., Hnizdilová, K., Foster, R., & Parkes, T. (2021). Peer Support and Overdose Prevention Responses: A Systematic 'State-of-the-Art' Review. *International Journal of Environmental Research and Public Health*, 18(22), 12073. <https://doi.org/10.3390/ijerph182212073>

¹⁰ Irvine, M. A., Kuo, M., Buxton, J. A., Balshaw, R., Otterstatter, M., Macdougall, L., ... & Gilbert, M. (2019). Modelling the combined impact of interventions in averting deaths during a synthetic-opioid overdose epidemic. *Addiction*, 114(9), 1602-1613.

¹¹ United Nations Office on Drugs and Crime (UNODC). Reducing the Harm of Drug Use and Dependence. 2007. Available

offer opportunities for education, counseling, and referrals to help individuals work towards person-centered recovery.¹² OPCs have been shown to be effective in reducing overdose deaths and connecting individuals to treatment and support services. Supporting this bill aligns with evidence-based practices in harm reduction and public health.¹³

The bill empowers municipalities to make decisions about establishing and operating OPCs within their boundaries, allowing for tailored approaches to address local needs and priorities.

Supporters

- American Civil Liberties Union of Colorado
- Adams County Health Department
- Colorado Behavioral Healthcare Council
- Colorado Center on Law and Policy
- Colorado Coalition for the Homeless
- Colorado Criminal Defense Bar
- Colorado Freedom Fund
- Colorado Mental Wellness Network
- Harm Reduction Action Center
- Colorado Psychiatric Society
- Colorado Public Health Association
- Denver Streets Partnership
- Disability Law Colorado
- Mental Health Colorado
- Tribe Recovery Homes
- Vivent Health
- WellPower

Reasons to Oppose

Some opponents may argue that OPCs could send a message that drug use is acceptable or even encouraged by providing a safe environment for consumption, which may have the potential normalization of drug use and its impact on community norms. Critics worry about the impact on property values and community safety. They may argue that investing in OPCs could divert resources from other critical areas of need within the health care system. Opponents may raise legal and ethical concerns about the operation of OPCs, including liability issues for staff and municipalities, compliance with federal drug laws, and potential conflicts with existing regulations and zoning ordinances. Some may call for further study and consideration of these issues before implementing OPCs.

Opponents

- City of Colorado Springs
- City of Fountain
- Colorado Association of Chiefs of Police
- Colorado Catholic Conference
- Colorado Concern
- Colorado Springs Chamber & Economic Development Council
- County Sheriffs of Colorado
- Denver Metro Building Owners & Managers Association
- Denver Metro Chamber of Commerce
- El Paso County
- Town of Monument

About this Analysis

This analysis was prepared by Health District of Northern Larimer County staff. The Health District is a special district of the northern two-thirds of Larimer County, Colorado, supported by local property tax dollars and governed by a publicly elected five-member board. The Health District provides behavioral health, dental care, preventive, and health planning services to the communities it serves. This analysis is accurate to staff knowledge as of date printed. For more information about this analysis or the Health District, please contact David Navas, Policy Analyst, at (970) 530-2736, or e-mail at dnavas@healthdistrict.org.

¹² Samuels, E. A., Bailer, D. A., & Yolken, A. (2022). Overdose Prevention Centers: An Essential Strategy to Address the Overdose Crisis. *JAMA Network Open*, 5(7), e2222153. <https://doi.org/10.1001/jamanetworkopen.2022.22153>

¹³ Mercer, F., Miler, J. A., Pauly, B., Carver, H., Hnízdilová, K., Foster, R., & Parkes, T. (2021). Peer support and overdose prevention responses: a systematic 'state-of-the-art' review. *International journal of environmental research and public health*, 18(22), 12073.