



## Examining the Implementation and Short-Term Outcomes of HB22-1326 (Fentanyl Accountability and Prevention Act)

### Background

Colorado passed [HB22-1326](#) (Fentanyl Accountability and Prevention Act) in May 2022, with the aim of addressing the distribution of synthetic opioids such as fentanyl; supporting behavioral health interventions, treatment, prevention, and other supportive services; and reducing the number of deaths from fentanyl. Section 34 of the Act calls for an independent study to examine the implementation and short-term outcomes of some of the bill’s key provisions. The Colorado Department of Public Health and Environment (CDPHE) contracted with the Colorado Evaluation and Action Lab ([Colorado Lab](#)) in March 2023 in order to develop an analysis plan for the study.

The Colorado Lab deployed three methods to develop the analysis plan: a comprehensive literature review of the problem and potential solutions; interviews with 50+ stakeholders from diverse fields; and an assessment of potential data sources.

### Study Goals & Timeline

The study has three primary goals:

- Inform policy decision-makers and policy influencers at the state- and local-level.
- Support the development and use of shared language and frameworks.
- Support stakeholders in identifying opportunities to work cohesively using a multi systems-approach.

The study will be implemented over a 15-month period (November 2023 - January 2025).

### Study Framework

There are four types of approaches that can be used—and were employed in HB22-1326—to address fentanyl:

- **Primary prevention**, which aims to prevent substance use initiation, substance misuse, and substance use disorder (SUD).
- **Law enforcement**, which aims to decrease the supply of illicit drugs and deter people from possessing, distributing, or selling illicit drugs.
- **Treatment and recovery**, which aims to support individuals with a SUD in accessing and staying engaged in the most effective treatments and long-term recovery supports.
- **Harm reduction**, which focuses on empowering people who use drugs to use strategies to stay alive and as healthy as possible.



We recognize that there is no “silver bullet” to address the issue of fentanyl; rather, a multi-component strategy is needed. Research suggests that **some strategies can be complementary**. However, **some strategies may be contradictory**. Likewise, **not all strategies have the same level of evidence of impact** and some strategies may have **unintended consequences**. The goal of this study is to synthesize and continue to build the best available evidence about what works to reduce the negative impacts of fentanyl.

## Study Focus Areas, Questions, & Data Sources

### Focus Area 1: Acute response that addresses underlying needs and is part of a comprehensive system.

#### Evaluation Questions

- What are the challenges and opportunities with responding to acute situations driven by fentanyl (overdose, behavioral health crisis, illegal activity, public disorder, etc.)?
- How can we develop systems to meet individual and societal needs?

#### Methods

- Review of Managed Service Organization (MSO) performance data on \$10 million appropriated to provide short-term residential placement.
- Focus groups with state/MSO leaders, first responders, and behavioral health providers.
- Focus group with individuals that have interacted with first responders and/or short-term residential resources for a situation that involved fentanyl.
- Deep dive examination: Review of implementation and outcome data from response model(s).

### Focus Area 2: Increased criminal penalties for the possession of fentanyl.

#### Evaluation Questions

- Who is getting referred to the District Attorney's office for charges related to fentanyl possession?
- How did increased penalties for possessing fentanyl in HB22-1326 change case processing and case outcomes?
- What are the characteristics and experiences of individuals referred to the criminal justice system for possessing fentanyl?

#### Methods

- Analysis of data from the Colorado Judicial Branch and Denver County Court.
- Online survey of elected District Attorneys to understand charging and case resolution practices.
- Focus groups with individuals who have been involved in the justice system for charges related to fentanyl possession.
- Deep-dive examination: Review of implementation and outcome data from diversion program(s).

### Focus Area 3: Public health and harm reduction approaches for priority populations.

#### Evaluation Questions

- To what extent are we reaching communities most impacted by fentanyl with public health and harm reduction approaches?
- What will it take to expand and scale public health and harm reduction approaches to reach those most impacted?

#### Methods

- Analysis of fentanyl related deaths in prisons, jails, residential community corrections or while under probation or parole.
- Survey on the status of Medication for Opioid Use Disorder (MOUD) programs in jails.
- Review of CDPHE Harm Reduction Grant Program reporting.
- Review of CDPHE Opiate Antagonist Bulk Purchase Fund and Fentanyl Test Strip Order data.
- Review of CDPHE education campaign metrics.
- Focus group with governmental and community-based organizations using harm reduction or public health approaches serving priority populations.
- Focus group with individuals who currently use or previously used fentanyl and are members of priority populations.
- Deep-dive examination: Review of implementation and outcome data from public health or harm reduction program(s).