

Our Support for HB23-1202



The ACLU of Colorado supports House Bill 23-1202, which would finally clear the path for local municipalities to pilot life-saving Overdose Prevention Centers (OPCs). In Colorado, **OPCs may prove to be one essential tool in a comprehensive plan to address the overdose crisis with evidence-based public health strategies.**

It is important for lawmakers evaluating this legislation to understand that House Bill 23-1202 does not conflict with federal law, will not subject the State of Colorado to any liability under any circumstances, and preserves flexibility for municipalities to create Overdose Prevention Centers that will not be subject to federal intervention.

No conflict with federal law.

HB23-1202 only clears the way for municipalities to create overdose prevention centers if they choose to do so. No federal law conflicts with legislation authorizing local control of OPCs.

No state liability.

The State of Colorado bears no responsibility whatsoever for municipal decision-making about whether or how to create an OPC. Indeed, HB23-1202 wisely provides no mandates or guidance of any kind on an OPC, deferring entirely to an individual municipality to make those decisions and conduct its own risk assessments based on the nature of an OPC they may decide to pilot.

Municipalities can pilot OPCs without prompting federal intervention.

The Biden Administration has consistently signaled it will not interfere with states' evidence-based harm reduction techniques in the era of the opioid crisis. Indeed, two OPCs have been continuously operating in New York City with no federal intervention. The only case where there has been litigation was initiated by the Trump administration, is not binding in Colorado, and that OPC is currently in settlement talks with the federal government. The hands-off position of the Biden administration regarding OPCs has strong existing precedent, of course, in the federal government's longstanding position that it does not intervene regarding individual states' cannabis policies. For all these reasons, there is no reason to believe the current administration would interfere with a pilot of an OPC by a city in Colorado.



The ACLU of Colorado welcomes questions from lawmakers on these topics at any time.