



HARM REDUCTION AND OVERDOSE PREVENTION 50-State Survey

Harm Reduction Laws in the United States

Drug overdose is a continuing epidemic that claimed the lives of over 67,000 Americans in 2018. Opioids, either alone or in combination with other substances, were responsible for approximately 70% of these deaths. Many of these lost lives and other opioid-related harms are preventable through the timely administration of the opioid reversal drug naloxone and, where appropriate, other follow-up care.

Similarly, consistent access to new injection supplies is critical to prevent the transmission of HIV, viral hepatitis, and other bloodborne diseases among people who inject drugs, and to prevent subsequent infection of sexual partners, children, and others. Unfortunately, state laws and local rules can make it difficult for people who inject drugs to access these lifesaving supplies, and variations in laws among states can create confusion among both people who inject drugs and people and organizations working to ensure that they have the supplies they need to protect themselves and others. This document is designed to reduce this information gap and help individuals and organizations better understand how the legal landscape in their state may impact access to harm reduction services and supplies, including overdose Good Samaritan laws, which provide limited protection from criminal sanctions to encourage people to call for help in an overdose emergency. Specifically, it covers laws related to syringe possession and distribution, naloxone access, statewide naloxone standing orders, and overdose Good Samaritan overdose protections in all 50 states and the District of Columbia.

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For each state, each area of law is briefly explained in plain language. The relevant citation is also listed, together with a hyperlink that will take the reader to the text of the law. All information is current as of September 15, 2020.

This document was developed by the Harm Reduction Legal Project with the support of NEXT Distro, an online and mail-based harm reduction platform designed to reduce opioid overdose death, prevent injection-related disease transmission, and improve the lives of people who use drugs. For more information about the Harm Reduction Legal Project or to request information or technical assistance regarding harm reduction law or policy, please visit <https://www.networkforphl.org/resources/topics/projects/harm-reduction-legal-project/> or email harmreduction@networkforphl.org. For more information about NEXT Distro or to access harm reduction supplies, please visit <https://nextdistro.org/>. The information contained in this document is available in an easy to access format on the NEXT website at <https://nextdistro.org/policies>.



Colorado

Syringe Possession & Distribution

- [Colo. Rev. Stat. Ann. § 18-18-428](#); [18-18-246](#)
- Drug paraphernalia includes equipment used, intended for use, or designed for use in injecting a controlled substance.
- Possession of drug paraphernalia is a drug petty offense punishable by a fine of not more than \$100.
- If a person tells law enforcement or EMS that they have a syringe before they are searched or treated, the person cannot be arrested or cited for possession of that syringe or for any “minuscule, residual” controlled substance in the syringe.
- Sale or delivery of drug paraphernalia is a level 2 drug misdemeanor.
- A person is exempt from the above offenses if they are participating as an employee, volunteer, or participant in an approved syringe exchange program. [Colo. Rev. Stat. Ann. § 18-18-430.5](#)
- There is no state law requiring a prescription to possess syringes.
- Syringe exchange programs are authorized by law. [Colo. Rev. Stat. Ann. § 25-1-520](#).

Naloxone Access Law

- [Colo. Rev. Stat. Ann. § 12-30-110](#); [12-280-123](#); 13-21108.7
- A prescriber may prescribe, directly or by standing order, and give naloxone to a person at risk of an opioid overdose or to a family member, friend, or other person in a position to help a person at risk of overdose. They may also prescribe, directly or by standing order, and give naloxone to an employee or volunteer of a harm reduction organization, a first responder, a law enforcement agency, a school district, school, or employee of school, mental health professionals, or any non-private entity that makes automated external defibrillators (AEDs) available to the general public (collectively “community members”). Pharmacists may give naloxone to those people and groups under either a traditional prescription or standing order.
- Prescribers and pharmacists are not subject to professional discipline or criminal or civil liability as a result of prescribing or giving out naloxone.
- Community members may possess and administer naloxone. Community members acting under an order or standing order may give naloxone to a family member, friend, or other person in a position to help someone experiencing an overdose.
- Community members are not criminally or civilly liable for giving out naloxone.
- A community member or anyone who acts in good faith and who administers naloxone is immune from civil and criminal liability.

Naloxone Standing Order

- https://www.colorado.gov/pacific/sites/default/files/PW_Naloxone-standing-orderstemplate_Pharmacy.pdf (sample)
- Colorado does not maintain a single standing order, but issues them upon request. While each standing order may be slightly different, they are very similar in content. They can be requested [here](#).
- Covers intranasal naloxone (either Narcan spray or generic atomizer), intramuscular naloxone with syringe, and auto-injector naloxone (like Evzio).
- Allows pharmacists, harm reduction organizations, and law enforcement agencies to distribute naloxone to first responders, a person at risk of overdose or a family member, friend, or other person in a position to help.



Good Samaritan Law

- [Colo. Rev. Stat. Ann. § 18-1-711](#)
- A person who calls for help in good faith for a drug or alcohol overdose may not be arrested or prosecuted for several offenses including possession of a controlled substance and possession of drug paraphernalia, if the following conditions are met:
 - The person remains at the scene until help arrives
 - The person identifies themselves to and cooperates with the responding party
 - The offense is part of the same event as the one involving the overdose
- The person who overdosed has the same protections, so long as the person who calls for help meets all the above conditions.

This document was developed by Amy Judd Lieberman and Corey Davis at the Network for Public Health Law's Harm Reduction Legal Project (harmreduction@networkforphl.org), with the assistance of Robyn Lin at the University of California, Irvine School of Law and the support of NEXT Distro. The information provided in this document does not constitute legal advice or legal representation. You should always consult with an attorney barred in your state for specific legal advice. This document provides a snapshot of the state of the law as of September 15, 2020.

