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**STATE OF COLORADO**  
**DEPARTMENT OF LAW**

Office of the Attorney General

**Attorney General Phil Weiser**  
**Statement to the Joint Committee on the Judiciary**  
**Colorado General Assembly**  
**- January 13, 2020 -**

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Chairmen Lee and Weissman, and members of the Committee, thank you for the opportunity to present on our priorities at the Department of Law (“Department”) and how we are working hard to serve the people of Colorado. Upon taking office last January, our administration worked with all of the professionals in our office to develop an overall vision for our work. That vision is that “together, we serve Colorado and its people, advancing the rule of law, protecting our democracy, and promoting justice for all.”

As attorney general for the State, I have five primary focus areas for the work of the Department—defending the rule of law; combating the opioid crisis; enhancing public safety and improving our criminal justice system; defending Colorado consumers; and protecting our land, air, and water.

Today, I look forward to briefing you on our progress towards those objectives, as well as updating you on our SMART Act performance plan. And I am happy to answer any questions the Committee may have.

**Defending the Rule of Law**

At the Department, we honor and defend the rule of law in a range of ways. Our work includes advising client agencies, providing legal opinions, defending the State appropriately in litigation, and challenging actions of the federal government or private company actions when they violate the law. In all cases, we recognize the obligation to act with the highest level of professionalism.

We have several noteworthy examples in which the Department is currently engaged in this area. This includes:

- challenging the federal government for failing to defend the Affordable Care Act;
- filing suit to protect the federal Separation of Powers in which the federal Administration acted to redirect funds from military installations—including Colorado facilities—absent a congressional appropriation;

- protecting Colorado laws governing presidential electors and how Colorado’s electoral votes are cast; and
- steadfastly defending Colorado citizen-enacted initiatives such as the Taxpayer’s Bill of Rights.

In each of these cases, we take very seriously our obligation to protect the rule of law—even when inconvenient or difficult—and protect Colorado’s sovereignty.

### **The Opioid Epidemic**

A second primary focus of the Department is the opioid epidemic. Opioid addiction is destroying lives, families, and communities here in Colorado. At the Department, we are doing our part to hold bad actors accountable, and get help to those struggling with addiction and in need of treatment.

Currently, we are actively engaged in actions against pharmaceutical companies and executives whom we allege engaged in deceptive marketing and lied to consumers about the effects of opioids like Oxycontin. We will continue prosecuting the Purdue Pharma case and bring other suits as needed to hold accountable those who contributed to this crisis. And once we recover funds, whether through settlement or a litigated judgment, with our partners, we will work to support drug treatment, education and prevention, and recovery programs.

Beyond litigation, we are deploying other strategies to curb the crisis. Through our leadership of the Substance Abuse Trend and Response Task Force, we are coordinating a range of public health and criminal justice responses to this crisis. Our Medical Board Unit, for example, supports actions to sanction doctors who oversubscribe. We also support the distribution of Narcan to prevent overdoses. And we encourage alternatives to avoid using jails and prisons as de facto drug treatment facilities.

### **Criminal Justice Improvement and Public Safety**

As the Legislature considers opportunities to improve our criminal justice system, we look forward to being a resource. Last year, both as a member of the Commission on Criminal and Juvenile Justice (“CCJJ”) and a partner to the General Assembly, we worked hard on reforming our pre-trial processes. While we were disappointed that House Bill 19-1226 was not enacted last session, we are optimistic that a bill coming forward this session—under the leadership of the bill sponsors in this room—can achieve meaningful bail reform this year. We look forward to being a resource partner with you to realize this goal and advance the cause of justice.

We can all agree there is considerable room for our criminal justice system to function more effectively. In particular, where individuals do not pose an imminent threat to society, or are struggling with drug addiction, we should explore alternatives to incarceration. This mindset includes the increased use of diversion programs, such as restorative justice initiatives focused on juveniles, and a commitment to improved re-entry programs that will reduce the rate of people released from prison and later re-arrested and resentenced to prison.

To protect public safety, we administer the Safe2Tell program—a critical tool to ensure students have a safe and trusted resource to report potential violence or harm. While this tool was created to curb school violence, its use has grown by students. Today, the top threat reported to Safe2Tell is potential suicide. In addition to responding to that threat through collaboration with our law enforcement partners, we are also working to raise awareness of the importance of mental health, particularly among teenagers, supporting a public awareness campaign and organizations like Sources of Strength, which provide peer-to-peer support, and with our partners at the Departments of Human Services, Public Health and Environment, and Education.

We are also charged with managing the Peace Officer Standards and Training program (“POST”). POST enables us to work on raising the level of confidence in law enforcement. Last session, the Legislature supported this mission by enacting a law that will decertify officers who testify untruthfully. This session, we expect to advance a number of complementary initiatives, including one focused on reducing the likelihood that officers fired for misconduct will be later hired by another agency. Going forward, we will continue to work on improving our overall law enforcement training model, providing improved guidance to law enforcement to approach a range of challenging situations.

### **Consumer Protection**

Last session, the Legislature reformed our consumer protection laws for the first time in almost three decades, closing loopholes that protected irresponsible companies and raising the penalty levels. We are committed to using this authority to protect consumers and hold irresponsible companies accountable for engaging in deceptive or misleading practices.

A core part of our consumer protection mission is enforcement of federal and State antitrust laws. Just last year, our office—for the first time ever—acted without the federal government to address an anticompetitive health care merger that would have driven up healthcare costs for seniors in Colorado Springs. We are also collaborating with other states and the federal government on a range of matters, including investigations of large internet platform companies.

### **Protecting our Land, Air, and Water**

In Colorado, our economy and quality of life depend on our natural resources and clean air, clean water, and our public lands. We also are committed to protecting and managing our water in a way that works for our whole State.

With respect to water management, we are pursuing three critical priorities in our work—(1) the renegotiation of the Colorado River Compact Guidelines; (2) the exploration of voluntary demand management options; and (3) water innovation strategies. In short, with less natural snowpack and more demand for water, we need to be innovative and work together to develop appropriate solutions. And those solutions cannot be taking water from certain agricultural communities in the “buy-and-dry” fashion that decimates rural economies. We are also committed to addressing the core reasons behind the decline in natural snowpack—the increasing threat of climate change.

In Colorado, we have a special opportunity to make State government work along the lines that President Lincoln used to define our national government: “government of the people, by the people, and for the people.” At the Department, we take this obligation very seriously. I am proud of the work our professionals are doing and appreciate the support you continue to provide us.

To highlight the work the Department is doing, as is required by the SMART Act, each of you were emailed copies of the Department’s performance plan, department regulatory agenda, and budget request. My team and I are happy to answer any questions you may have today about these plans for the Department, or other initiatives you wish to discuss. Thank you for the opportunity to speak to the Committee today.