

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

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5.14.20

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LLS NO. 20-1186.02 Jerry Barry x4341

HOUSE BILL

HOUSE SPONSORSHIP

Esgar and McCluskie, Ransom

SENATE SPONSORSHIP

Moreno and Zenzinger, Rankin

BILL TOPIC: "Use Of Tobacco Revenues Under Fiscal Emergency"

A BILL FOR AN ACT

101 CONCERNING THE USE OF TOBACCO REVENUES GENERATED UNDER
102 SECTION 21 OF ARTICLE X OF THE STATE CONSTITUTION IN A
103 STATE FISCAL EMERGENCY, AND, IN CONNECTION THEREWITH,
104 MAKING AN APPROPRIATION.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Joint Budget Committee. Pursuant to the declaration of a state fiscal emergency (emergency declaration), for the 2020-21 fiscal year only, the bill expands the purposes for which tobacco tax revenues in the

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

tobacco education programs fund and the prevention, early detection, and treatment fund may be used to include any health-related purpose and to serve populations enrolled in the children's basic health plan and the Colorado medical assistance program at the programs' respective levels of enrollment as of January 1, 2005.

Also pursuant to the emergency declaration, for the 2020-21 fiscal year only, the bill authorizes grantees under certain programs funded through tobacco tax revenue to use the grant money to investigate and control the spread of COVID-19.

The bill repeals an obsolete provision of law.

The bill makes an appropriation.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 24-22-117, **repeal**
3 (2)(d)(VI); and **add** (2)(c)(V), (2)(d)(VII), (2.5), and (6)(e) as follows:

4 **24-22-117. Tobacco tax cash fund - accounts - creation -**
5 **legislative declaration - repeal.** (2) There are hereby created in the state
6 treasury the following funds:

7 (c) (V) (A) PURSUANT TO THE DECLARATION OF A STATE FISCAL
8 EMERGENCY AS DESCRIBED IN SUBSECTION (6)(e) OF THIS SECTION, FOR
9 THE 2020-21 FISCAL YEAR, IN ADDITION TO THE PURPOSES DESCRIBED IN
10 THIS SUBSECTION (2)(c), THE MONEY IN THE TOBACCO EDUCATION
11 PROGRAMS FUND MAY BE APPROPRIATED FOR ANY HEALTH-RELATED
12 PURPOSE AND TO SERVE POPULATIONS ENROLLED IN THE CHILDREN'S BASIC
13 HEALTH PLAN ESTABLISHED PURSUANT TO ARTICLE 8 OF TITLE 25.5 AND
14 THE COLORADO MEDICAL ASSISTANCE PROGRAM ESTABLISHED IN
15 ARTICLES 4, 5, AND 6 OF TITLE 25.5 AT THE PROGRAMS' RESPECTIVE
16 LEVELS OF ENROLLMENT AS OF JANUARY 1, 2005.

17 (B) THIS SUBSECTION (2)(c)(V) IS REPEALED, EFFECTIVE JULY 1,
18 2021.

19 (d) (VI) ~~Pursuant to the declaration of a state fiscal emergency as~~

1 ~~described in subparagraph (III) of paragraph (b) of subsection (6) of this~~
2 ~~section, notwithstanding any provisions of subparagraphs (II), (III),~~
3 ~~(IV.5), and (V) of this paragraph (d) to the contrary, for fiscal year~~
4 ~~2011-12, the general assembly shall appropriate moneys in the~~
5 ~~prevention, early detection, and treatment fund for the purposes described~~
6 ~~in subparagraphs (II), (III), (IV.5), and (V) of this paragraph (d), as well~~
7 ~~as any other health-related purpose and to serve populations enrolled in~~
8 ~~the children's basic health plan and the Colorado medical assistance~~
9 ~~program at the programs' respective levels of enrollment as of January 1,~~
10 ~~2005.~~

11 (VII) (A) PURSUANT TO THE DECLARATION OF A STATE FISCAL
12 EMERGENCY AS DESCRIBED IN SUBSECTION (6)(e) OF THIS SECTION,
13 NOTWITHSTANDING ANY PROVISIONS OF SUBSECTIONS (2)(d)(II),
14 (2)(d)(III), AND (2)(d)(V) OF THIS SECTION TO THE CONTRARY, FOR FISCAL
15 YEAR 2020-21, THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY IN
16 THE PREVENTION, EARLY DETECTION, AND TREATMENT FUND FOR THE
17 PURPOSES DESCRIBED IN SUBSECTIONS (2)(d)(II), (2)(d)(III), AND
18 (2)(d)(V) OF THIS SECTION, AS WELL AS ANY OTHER HEALTH-RELATED
19 PURPOSE AND TO SERVE POPULATIONS ENROLLED IN THE CHILDREN'S BASIC
20 HEALTH PLAN AND THE COLORADO MEDICAL ASSISTANCE PROGRAM AT
21 THE PROGRAMS' RESPECTIVE LEVELS OF ENROLLMENT AS OF JANUARY 1,
22 2005.

23 (B) THIS SUBSECTION (2)(d)(VII) IS REPEALED, EFFECTIVE JULY 1,
24 2021.

25 (2.5) (a) PURSUANT TO THE DECLARATION OF A STATE FISCAL
26 EMERGENCY AS DESCRIBED IN SUBSECTION (6)(e) OF THIS SECTION, FOR
27 HEALTH-RELATED PURPOSES AND NOTWITHSTANDING ANY OTHER

1 PROVISION OF THIS SECTION OR THE TERMS OF THE GRANTS, FOR FISCAL
2 YEAR 2020-21 ONLY, ANY GRANTEE RECEIVING A GRANT PURSUANT TO
3 SUBSECTION (2)(c), (2)(d), OR (2)(f) OF THIS SECTION MAY USE THE
4 MONEY FROM THE GRANT TO INVESTIGATE AND CONTROL THE SPREAD OF
5 COVID-19, INCLUDING BUT NOT LIMITED TO:

6 (I) DISEASE TESTING AND INVESTIGATION;

7 (II) COLLECTION AND DISTRIBUTION OF PERSONAL PROTECTIVE
8 EQUIPMENT;

9 (III) CONTACT TRACING;

10 (IV) ISSUING AND ASSISTING WITH ISOLATION, QUARANTINE, AND
11 OTHER PUBLIC HEALTH ORDERS; AND

12 (V) DISTRIBUTION OF ANY TREATMENTS AND VACCINATIONS.

13 (b) THIS SUBSECTION (2.5) IS REPEALED, EFFECTIVE JULY 1, 2021.

14 (6) (e) (I) THE GENERAL ASSEMBLY, PURSUANT TO SECTION 21 (7)
15 OF ARTICLE X OF THE STATE CONSTITUTION AND HOUSE JOINT
16 RESOLUTION 20-____, WHICH WAS APPROVED BY A TWO-THIRDS MAJORITY
17 VOTE OF THE MEMBERS OF THE GENERAL ASSEMBLY AND THE GOVERNOR,
18 DECLARES A STATE FISCAL EMERGENCY FOR THE 2020-21 FISCAL YEAR.

19 (II) THIS SUBSECTION (6)(e) IS REPEALED, EFFECTIVE JULY 1, 2021.

20 **SECTION 2. Effective date.** This act takes effect upon passage
21 only if House Joint Resolution 20-____ is approved by a two-thirds
22 majority vote of the members of both houses of the general assembly and
23 the governor, in which case this act takes effect on the effective date of
24 this act or on the date House Joint Resolution 20-____ is approved by the
25 governor, whichever is later.

26 **SECTION 3. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.