

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 20-1186.02 Jerry Barry x4341

HOUSE BILL 20-1373

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HOUSE SPONSORSHIP

Esgar and McCluskie,

SENATE SPONSORSHIP

Moreno and Zenzinger, Rankin

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House Committees  
Appropriations

Senate Committees

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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 AND REDUCING AN APPROPRIATION.

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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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
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 and reduces certain appropriations.

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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. Appropriation - adjustments to 2020 long bill.**

21 (1) To implement this act, appropriations made in the annual general  
22 appropriation act for the 2020-21 state fiscal year to the department of  
23 health care policy and financing are adjusted as follows:

24 (a) The general fund appropriation for medical services premiums,  
25 which is subject to the "(M)" notation as defined in the annual general  
26 appropriation act for the same fiscal year, is decreased by \$17,753,767;  
27 and

1 (b) The cash funds appropriation for medical services premiums  
2 is increased by \$17,753,767, which consists of \$10,340,160 from the  
3 tobacco education programs fund created in section 24-22-117 (2)(c)(I),  
4 C.R.S., and \$7,413,607 from the prevention, early detection, and  
5 treatment fund created in section 24-22-117 (2)(d)(I), C.R.S.

6 (2) To implement this act, appropriations made in the annual  
7 general appropriation act for the 2020-21 state fiscal year to the  
8 department of public health and environment for use by the prevention  
9 services division are adjusted as follows:

10 (a) The cash funds appropriation from the tobacco education  
11 programs fund created in section 24-22-117 (2)(c)(I), C.R.S., for tobacco  
12 education, prevention, and cessation grants is decreased by \$10,340,160;  
13 and

14 (b) The cash funds appropriation from the prevention, early  
15 detection, and treatment fund created in section 24-22-117 (2)(d)(I),  
16 C.R.S., is decreased by \$7,413,607 in the following chronic disease  
17 prevention programs:

18 (I) Transfers to the health disparities grant program fund  
19 \$1,651,369;

20 (II) Breast and cervical cancer screening \$1,364,901; and

21 (III) Cancer, cardiovascular disease, and chronic pulmonary  
22 disease grants \$4,397,337.

23 **SECTION 3. Effective date.** This act takes effect upon passage  
24 only if House Joint Resolution 20-\_\_\_\_ is approved by a two-thirds  
25 majority vote of the members of both houses of the general assembly and  
26 the governor, in which case this act takes effect on the effective date of  
27 this act or on the date House Joint Resolution 20-\_\_\_\_ is approved by the

1 governor, whichever is later.

2           **SECTION 4. Safety clause.** The general assembly hereby finds,  
3 determines, and declares that this act is necessary for the immediate  
4 preservation of the public peace, health, or safety.