

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 18, 2024
Date

Committee on Finance.

After consideration on the merits, the Committee recommends the following:

SB24-181 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 4, strike line 24 and substitute "WITHOUT ALSO
- 2 ADDRESSING OTHER CO-OCCURRING SUBSTANCE USE DISORDERS.".
- 3 Page 4, strike lines 25 through 27.
- 4 Page 5, strike lines 1 through 7.
- 5 Page 6, after line 8 insert:
 - 6 "(2) "ALCOHOL USE DISORDER" MEANS THE RECURRENT USE OF
 - 7 ALCOHOL THAT CAUSES CLINICALLY AND FUNCTIONALLY SIGNIFICANT
 - 8 IMPAIRMENT, SUCH AS HEALTH PROBLEMS, DISABILITY, AND FAILURE TO
 - 9 MEET MAJOR RESPONSIBILITIES AT WORK, SCHOOL, OR HOME.".
- 10 Renumber succeeding subsections accordingly.
- 11 Page 6, strike lines 20 and 21 and substitute:
 - 12 "(6) "ELIGIBLE ENTITY" MEANS A NONPROFIT ORGANIZATION THAT
 - 13 PROVIDES".
- 14 Page 6, line 24, strike "DISORDERS, SUCH AS" and substitute "DISORDERS
- 15 OR FOR".
- 16 Page 6, strike lines 25 through 27 and substitute "DISORDERS.".
- 17 Page 7, strike lines 1 through 5.
- 18 Page 7, after line 11 insert:

1 "(10) "HARM REDUCTION SERVICES" MEANS A SET OF
2 EVIDENCE-BASED STRATEGIES WITH THE AIM TO REDUCE
3 ALCOHOL-RELATED PROBLEMS AND DANGERS ASSOCIATED WITH ALCOHOL
4 USE AND TO IMPROVE QUALITY OF LIFE."

5 Renumber succeeding subsections accordingly.

6 Page 7, strike lines 23 through 27.

7 Page 8, strike line 1 and substitute:

8 "(b) THAT MANUFACTURED OR DISTRIBUTED ALCOHOL BEVERAGES
9 IN THE PREVIOUS CALENDAR YEAR IN AMOUNT GREATER THAN:
10 (I) ONE HUNDRED THOUSAND PROOF GALLONS OF DISTILLED
11 SPIRITS;
12 (II) ONE HUNDRED THIRTY THOUSAND GALLONS OF WINE; OR
13 (III) ONE HUNDRED EIGHTY-SIX MILLION GALLONS OF BEER."

14 Page 8, lines 12 and 13, strike "CAUSES CLINICALLY AND FUNCTIONALLY
15 SIGNIFICANT" and substitute "THAT CAUSES SIGNIFICANT CLINICAL AND
16 FUNCTIONAL".

17 Page 8, line 20, strike "**duties.**" and substitute "**duties - repeal.**".

18 Page 9, strike lines 17 through 19 and substitute:

19 "(B) SUPPORT PROGRAMS THAT PREVENT AND DETER DRIVING
20 UNDER THE INFLUENCE, DRIVING WHILE ABILITY IMPAIRED, AND
21 UNDERAGE DRUNK DRIVING; AND".

22 Page 9, line 21, strike "DISORDERS." and substitute "DISORDERS,
23 INCLUDING UNDERAGE DRINKING."

24 Page 10, strike lines 12 through 16 and substitute:

25 "(d) (I) TO HIRE STAFF AND CONTRACT WITH ANY PUBLIC OR
26 PRIVATE ENTITY, INCLUDING STATE AGENCIES, CONSULTANTS, AND THE
27 ATTORNEY GENERAL'S OFFICE, FOR PROFESSIONAL AND TECHNICAL
28 ASSISTANCE, OFFICE SPACE AND ADMINISTRATIVE SERVICES, ADVICE, AND
29 OTHER SERVICES RELATED TO THE CONDUCT OF THE AFFAIRS OF THE
30 ENTERPRISE. THE BOARD SHALL ENCOURAGE DIVERSITY IN APPLICANTS
31 FOR CONTRACTS AND SHALL GENERALLY AVOID USING SINGLE-SOURCE
32 BIDS.

1 (II) THE ENTERPRISE SHALL PAY A FAIR MARKET RATE TO ANY
2 PUBLIC ENTITY, PRIVATE ENTITY, CONTRACTOR, OR CONSULTANT, WHICH
3 MAY INCLUDE A STATE AGENCY, THE ATTORNEY GENERAL'S OFFICE, OR
4 THE DEPARTMENT, THAT IS HIRED BY THE ENTERPRISE TO PERFORM DUTIES
5 PURSUANT TO SUBSECTION (3)(d)(I) OF THIS SECTION."

6 Page 10, after line 22 insert:

7 "(5) (a) ON JANUARY 1, 2025, OR AS SOON AS POSSIBLE
8 THEREAFTER, THE STATE TREASURER SHALL TRANSFER FOUR HUNDRED
9 FIFTY-FOUR THOUSAND DOLLARS FROM THE GENERAL FUND TO THE FUND
10 FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE
11 BEFORE IT RECEIVES REVENUE FROM THE FEE OR REVENUE BOND
12 PROCEEDS. NOTWITHSTANDING ANY OTHER LAW, THE ENTERPRISE MAY
13 ACCEPT AND EXPEND ANY MONEY SO TRANSFERRED, AND,
14 NOTWITHSTANDING ANY STATE FISCAL RULE OR GENERALLY ACCEPTED
15 ACCOUNTING PRINCIPLE THAT COULD OTHERWISE BE INTERPRETED TO
16 REQUIRE A CONTRARY CONCLUSION, SUCH A TRANSFER IS A LOAN FROM
17 THE STATE TREASURER TO THE ENTERPRISE THAT IS REQUIRED TO BE
18 REPAID AND IS NOT A GRANT FOR PURPOSES OF SECTION 20 (2)(d) OF
19 ARTICLE X OF THE STATE CONSTITUTION OR AS DEFINED IN SECTION
20 24-77-102 (7). LOAN LIABILITIES THAT ARE RECORDED IN THE FUND BUT
21 ARE NOT REQUIRED TO BE PAID IN THE CURRENT STATE FISCAL YEAR SHALL
22 NOT BE CONSIDERED WHEN CALCULATING SUFFICIENT STATUTORY FUND
23 BALANCE FOR PURPOSES OF SECTION 24-75-109.

24 (b) NO LATER THAN JULY 1, 2027, THE ENTERPRISE SHALL REPAY
25 THE LOAN OF FOUR HUNDRED FIFTY-FOUR THOUSAND DOLLARS RECEIVED
26 PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION AND ACCUMULATED
27 INTEREST FROM THE FUND. INTEREST ACCRUES ON THE MONEY BORROWED
28 AT A RATE EQUIVALENT TO THE RATE PER ANNUM ON THE MOST RECENTLY
29 ISSUED TEN-YEAR UNITED STATES TREASURY NOTE, ROUNDED TO THE
30 NEAREST ONE-TENTH OF ONE PERCENT, AS REPORTED BY THE "WALL
31 STREET JOURNAL", AS OF THE DATE THE TRANSFER REQUIRED BY
32 SUBSECTION (5)(a) OF THIS SECTION IS MADE. INTEREST ACCRUES AT THE
33 RATE SPECIFIED IN THIS SUBSECTION (5)(b) BEGINNING ON THAT DATE AND
34 UNTIL THE DATE ON WHICH THE MONEY IS REPAID.

35 (c) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2029."

36 Page 11, strike line 1 and substitute "IMPACT FEE THAT IS REASONABLY
37 CALCULATED BASED ON THE COSTS OF THE SERVICES PROVIDED BY THE
38 ENTERPRISE FROM EVERY MANUFACTURER OR".

39 Page 11, line 3, strike "\$0.16" and substitute "\$0.0267".

1 Page 11, line 5, strike "\$0.1466" and substitute "\$0.0240".

2 Page 11, line 7, strike "\$1.2052" and substitute "\$0.2000".

3 Page 11, strike lines 21 through 27.

4 Page 12, strike line 1 and substitute:

5 "(b) THE ENTERPRISE MAY REQUEST TO INCREASE OR DECREASE
6 THE FEE AS PROVIDED IN SUBSECTION (5) OF THIS SECTION."

7 Page 13, strike lines 3 through 12 and substitute:

8 "(5) IF THE ENTERPRISE FINDS THE FEE NEEDS TO BE INCREASED OR
9 DECREASED, THE ENTERPRISE SHALL RECOMMEND THE FEE INCREASE OR
10 DECREASE TO THE HOUSE OF REPRESENTATIVES FINANCE COMMITTEE AND
11 THE SENATE FINANCE COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, NO
12 LATER THAN DECEMBER 15 PRIOR TO THE STATE FISCAL YEAR DURING
13 WHICH THE ADJUSTMENT WILL BECOME EFFECTIVE. THE
14 RECOMMENDATION MUST INCLUDE PROPOSED INFLATIONARY CHANGES,
15 ANY CHANGES BASED ON THE COSTS OF THE BUSINESS SERVICES PROVIDED
16 BY THE ENTERPRISE, AND ANY OTHER INFORMATION DEEMED RELEVANT
17 BY THE BOARD. THE ENTERPRISE SHALL NOT ADJUST THE FEE UNLESS
18 APPROVED BY THE GENERAL ASSEMBLY ACTING BY BILL."

19 Page 14, line 11, strike "**treatment and recovery**" and substitute
20 "**treatment, recovery, and harm reduction**".

21 Page 14, line 13, strike "TREATMENT AND" and substitute "TREATMENT,".

22 Page 14, strike lines 14 and 15 and substitute "RECOVERY, AND HARM
23 REDUCTION AFFORDABILITY GRANT PROGRAM TO AWARD".

24 Page 14, strike lines 18 through 22 and substitute "RECOVERY PROVIDERS,
25 TREATMENT PROVIDERS, AND ELIGIBLE ENTITIES THAT PROVIDE HARM
26 REDUCTION SERVICES. UNLESS ADJUSTED PURSUANT TO SECTION 44-2-110
27 (6)(h), THE ENTERPRISE SHALL ALLOCATE FIFTY PERCENT OF THE MONEY
28 IN THE FUND TO SUPPORT TREATMENT PROVIDERS, TWENTY PERCENT OF
29 MONEY IN THE FUND TO SUPPORT RECOVERY PROVIDERS, AND FIVE
30 PERCENT OF THE MONEY IN THE FUND TO SUPPORT ELIGIBLE ENTITIES THAT
31 PROVIDE HARM REDUCTION SERVICES."

32 Page 14, lines 24 and 25, strike "PROVIDERS AND RECOVERY PROVIDERS"

1 and substitute "PROVIDERS, RECOVERY PROVIDERS, AND ELIGIBLE ENTITIES
2 THAT PROVIDE HARM REDUCTION SERVICES".

3 Page 15, line 13, strike "RECOVERY".

4 Page 15, strike line 14 and substitute "TREATMENT PROVIDER, RECOVERY
5 PROVIDER, OR ELIGIBLE ENTITY THAT PROVIDES HARM REDUCTION
6 SERVICES BASED SOLELY ON:".

7 Page 15, after line 20 insert:

8 "(c) A BHASO THAT RECEIVES A GRANT MAY USE THE GRANT
9 MONEY TO:

10 (I) PROVIDE TREATMENT SERVICES TO INDIVIDUALS WHO HAVE
11 ALCOHOL USE DISORDER OR WHO HAVE ALCOHOL USE DISORDER AND
12 ANOTHER CO-OCCURRING SUBSTANCE USE DISORDER;

13 (II) FOR HARM REDUCTION PROGRAMS AND SERVICES RELATED
14 ONLY TO ALCOHOL USE; AND

15 (III) FOR PROGRAMS AND SERVICES RELATED TO RECOVERY FROM
16 ALCOHOL USE DISORDER AND RECOVERY FROM ALCOHOL USE DISORDER
17 WITH CO-OCCURRING SUBSTANCE USE DISORDERS."

18 Page 15, strike line 25 and substitute "PROVIDER, RECOVERY PROVIDER,
19 AND ELIGIBLE ENTITY THAT PROVIDES HARM REDUCTION SERVICES;".

20 Page 16, line 18, strike "THE" and substitute "UNLESS ADJUSTED
21 PURSUANT TO SECTION 44-2-110 (6)(h), THE".

22 Page 16, line 19, strike "TEN" and substitute "FIFTEEN".

23 Page 16, strike line 25 and substitute "USE DISORDERS, INCLUDING
24 UNDERAGE DRINKING PREVENTION AND RELATED SUBSTANCE USE; AND".

25 Page 17, line 2, strike "SERVICES." and substitute "SERVICES; AND".

26 Page 17, after line 2 insert:

27 "(d) ELIGIBLE ENTITIES THAT INCREASE THE AVAILABILITY AND
28 USE OF SCREENING, EARLY INTERVENTION, AND REFERRAL TO SERVICES
29 FOR FETAL ALCOHOL SPECTRUM DISORDERS."

30 Page 17, line 8, strike "**enforcement**" and substitute "**prevention and
31 deterrence**".

- 1 Page 17, strike line 10 and substitute "PREVENTION AND DETERRENCE
2 GRANT PROGRAM. UNLESS ADJUSTED PURSUANT TO SECTION 44-2-110
3 (6)(h), THE ENTERPRISE SHALL DISTRIBUTE".
- 4 Page 17, line 11, strike the third "THE".
- 5 Page 17, strike lines 12 and 13 and substitute "PROVIDING GRANTS TO
6 NONPROFIT ORGANIZATIONS TO PROVIDE EDUCATION ABOUT, DETERRENCE
7 OF, AND SUPPORT FOR VICTIMS OF ALCOHOL-RELATED".
- 8 Page 17, strike lines 15 through 17.
- 9 Renumber succeeding subsection.
- 10 Page 17, line 18, strike "A LOCAL GOVERNMENT" and substitute "AN
11 ELIGIBLE ENTITY".
- 12 Page 18, strike lines 10 through 27.
- 13 Page 19, strike lines 1 through 8 and substitute:
- 14 (I) AN INDIVIDUAL WITH EXPERTISE IN ALCOHOL USE DISORDER
15 PREVENTION PROGRAMS AND SERVICES;
- 16 (II) AN INDIVIDUAL WITH EXPERIENCE PROVIDING ALCOHOL USE
17 DISORDER TREATMENT PROGRAMS AND SERVICES;
- 18 (III) AN INDIVIDUAL WITH EXPERIENCE PROVIDING ALCOHOL USE
19 DISORDER RECOVERY PROGRAMS AND SERVICES;
- 20 (IV) AN INDIVIDUAL REPRESENTING YOUTH MENTAL HEALTH
21 PROFESSIONALS, SUCH AS A SOCIAL WORKER, A CHILD AND ADOLESCENT
22 PSYCHIATRIST, OR OTHER PROFESSIONAL SPECIALIZING IN CARING FOR
23 YOUTH, WITH EXPERTISE IN YOUTH ALCOHOL USE PREVENTION,
24 TREATMENT, OR RECOVERY;
- 25 (V) A MEMBER OF LAW ENFORCEMENT WITH EXPERIENCE IN
26 IMPAIRED DRIVING PREVENTION AND DETERRENCE;
- 27 (VI) A REPRESENTATIVE OF A FEDERALLY RECOGNIZED INDIAN
28 TRIBE WITH JURISDICTION IN COLORADO WHO HAS EXPERTISE IN ALCOHOL
29 USE DISORDER PREVENTION, TREATMENT, OR RECOVERY;
- 30 (VII) AN INDIVIDUAL WHO HAS EXPERIENCED AN ALCOHOL USE
31 DISORDER;
- 32 (VIII) AN INDIVIDUAL WHOSE FAMILY HAS BEEN AFFECTED BY A
33 FAMILY MEMBER WITH AN ALCOHOL USE DISORDER OR FETAL ALCOHOL
34 SPECTRUM DISORDERS;
- 35 (IX) AN INDIVIDUAL REPRESENTING AN INSTITUTION OF

1 SECONDARY OR HIGHER EDUCATION THAT PROVIDES ALCOHOL USE
2 DISORDER PREVENTION PROGRAMS TO STUDENTS;

3 (X) AN INDIVIDUAL REPRESENTING AN ADVOCACY ORGANIZATION
4 FOR PEOPLE WITH MENTAL HEALTH CONDITIONS AND ALCOHOL AND
5 RELATED SUBSTANCE USE DISORDERS; AND

6 (XI) FOUR INDIVIDUALS REPRESENTING THE ALCOHOL INDUSTRY,
7 INCLUDING ONE INDIVIDUAL REPRESENTING THE VINOUS LIQUOR
8 INDUSTRY, ONE INDIVIDUAL REPRESENTING THE SPIRITUOUS LIQUOR
9 INDUSTRY, ONE INDIVIDUAL REPRESENTING THE MALT LIQUOR INDUSTRY,
10 AND ONE INDIVIDUAL REPRESENTING A MANUFACTURER OR DISTRIBUTOR
11 THAT IS NOT SUBJECT TO THE ALCOHOL IMPACT FEE."

12 Page 19, line 21, after "(3)" insert "(a)".

13 Page 19, after line 26 insert:

14 "(b) IF A VOTING BOARD MEMBER HAS A CONFLICT OF INTEREST
15 WITH RESPECT TO ANY MATTER SCHEDULED FOR HEARING BEFORE THE
16 BOARD, THE MEMBER SHALL RECUSE THEMSELVES FROM ANY DISCUSSION
17 AND DECISIONS ON THE MATTER UNLESS, AFTER FULL DISCLOSURE OF THE
18 FACTS GIVING RISE TO THE CONFLICT, THE BOARD AGREES TO WAIVE THE
19 CONFLICT. FOR PURPOSES OF THIS SUBSECTION (3)(b), A BOARD MEMBER
20 HAS A CONFLICT OF INTEREST IF THE BOARD MEMBER HAS A CONFLICT
21 THAT WOULD CALL INTO QUESTION THE MEMBER'S ABILITY TO RENDER AN
22 UNBIASED DECISION."

23 Page 20, line 22, strike "TREATMENT AND RECOVERY" and substitute
24 "TREATMENT, RECOVERY, AND HARM REDUCTION".

25 Page 21, line 1, strike "AND".

26 Page 21, line 6, after the period add "A GRANT APPLICATION CREATED
27 PURSUANT TO THIS SUBSECTION (6)(g) MUST, AT A MINIMUM, REQUIRE THE
28 APPLICANT TO INCLUDE THE FOLLOWING INFORMATION:

29 (I) AN APPLICATION NARRATIVE THAT DESCRIBES HOW THE
30 ELIGIBLE ENTITY WILL USE THE GRANT, INCLUDING HOW THE GRANT WILL
31 ADDRESS ALCOHOL USE OR ALCOHOL USE DISORDER AND HOW THE
32 ELIGIBLE ENTITY WILL ENSURE THAT THE FUNDS ARE NOT USED SOLELY
33 FOR NONALCOHOL-RELATED SUBSTANCE USE DISORDERS;

34 (II) THE PROVIDERS WHO WILL RECEIVE GRANT FUNDS, INCLUDING
35 INFORMATION ABOUT THEIR HISTORY, MISSION, LOCATIONS, AND
36 LEADERSHIP;

37 (III) A PROPOSED BUDGET AND WHETHER THE PROPOSED PROGRAM

1 OR SERVICES MEET THE REQUIREMENTS SPECIFIED IN THIS SECTION; AND
2 (IV) THE AMOUNT OF IN-KIND CONTRIBUTIONS MADE OR
3 MATCHING FUNDS CONTRIBUTED, IF ANY, TO THE PROJECT BUDGET FROM
4 THE APPLICANT OR OTHER SOURCES OUTSIDE OF THE GRANT.

5 (h) EVALUATE THE PROPORTION OF MONEY IN THE FUND AWARDED
6 THROUGH EACH GRANT PROGRAM CREATED IN THIS ARTICLE 2 AND ADJUST
7 THE PROPORTIONS AS NECESSARY."

8 Page 21, lines 24 and 25, strike "PURSUANT TO SECTION 44-2-107 (1) TO
9 (3);" and substitute "TO EACH OF THE GRANT PROGRAMS CREATED IN THIS
10 ARTICLE 2;".

11 Page 22, line 3, strike "PROVIDER," and substitute "PROVIDER AND
12 ELIGIBLE ENTITY,".

13 Page 22, line 4, strike "PROVIDER;" and substitute "PROVIDER AND
14 ELIGIBLE ENTITY;".

15 Page 22, line 18, strike "AND".

16 Page 22, strike line 23 and substitute "OF THE MONEY; AND
17 (VIII) TRENDS IN ALCOHOL-RELATED MORBIDITY AND MORTALITY
18 IN THE PREVIOUS CALENDAR YEAR."

19 Page 24, strike lines 5 through 23.

20 Renumber succeeding section accordingly.

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