

2023 DIGEST OF BILLS

Enacted by The Seventy-Fourth
General Assembly
First Regular Session



Maroon Bells, photo by Charles B. Sprick, mid-1980s

June 2023
Prepared by
the Office of Legislative Legal Services

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PREFACE

Publication of the Colorado Revised Statutes occurs several months following the end of each regular legislative session. Prior to such publication, the Office of Legislative Legal Services prepares the Digest of Bills and Concurrent Resolutions as required under section 2-3-504, C.R.S. The Digest consists of summaries of all bills and concurrent resolutions enacted by the Seventy-third General Assembly at its Second Regular Session ending May 8, 2023. The summaries include the dates upon which the Governor acted and the effective dates of the bills. The Digest also includes an alphabetical subject index and several reference tables. The Digest is not a substitute for the text of the bills or for provisions of the Colorado Revised Statutes, but gives the user notice of and summary information on recent changes to the statutes.

HOW TO USE THE DIGEST

1. The summaries of bills and proposed state constitutional amendments begin on page 1. To determine the page on which the summary of a particular bill may be found, refer to the Table of Enacted Bills, beginning on page xv.
2. To identify bills by subject area, refer to the bill summaries section for that subject area or the subject index, beginning on page 1.
3. To determine the approval date and the effective date of a particular bill, refer to the information immediately following the bill summary. To determine the effective date, you may also refer to the Tables of Enacted Bills, beginning on page xv.
4. To convert a particular bill number to a chapter number in the Session Laws, refer to the Tables of Enacted Bills, beginning on page xv.
5. To identify bills that were vetoed by the Governor or that became law without the Governor's signature, refer to page vii.
6. To identify bills that were enacted without a safety clause, refer to page viii.
7. To identify bills that were originally recommended by statutory and interim committees, refer to pages x and xi.
8. For statistics concerning the number of bills and concurrent resolutions introduced and passed in the 2023 session compared to the two prior sessions, see the Legislative Statistical Summary, page vii.

9. To identify bills that have effective dates of July 1 and later, see the listings beginning on page xii.

10. The general assembly adjourned sine die on the 120th legislative day, May 8, 2023. Accordingly, the 90-day period following adjournment in which referendum petitions may be filed in accordance with section 1 of article V of the state constitution for bills that do not contain a safety clause expires on Sunday, August 6, 2023. The effective date for such bills is therefore 12:01 a.m., on Monday, August 7, 2023, the day following the expiration of the 90-day period. However, in accordance with section 1-1-106 (5), Colorado Revised Statutes, the Secretary of State has indicated that any referendum petitions must be filed on or before Friday, August 4, 2023.

Individual copies of enacted bills and concurrent resolutions may be obtained from the House Services Office (for House material) and the Senate Services Office (for Senate material) in the State Capitol Building and will also be published in the Session Laws of Colorado 2023.

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LEGISLATIVE STATISTICAL SUMMARY

	2023		2022		2021	
	Intro	Passed	Intro	Passed	Intro	Passed
House Bills	311	224	418	329	330	263
Senate Bills	306	260	239	184	293	245
Concurrent Resolutions	5	2	8	3	3	0
Bills signed by Governor	473		507		502	
Bills becoming law without Governor's signature	1		0		2	
Bills partially vetoed by the Governor	0		0		0	
Bills vetoed by the Governor	10		4		4	
Bills referred to the People/Ballot questions	2		2		0	

BILLS VETOED BY THE GOVERNOR:

H.B. 23-1146 H.B. 23-1190 H.B. 23-1258 S.B. 23-060 S.B. 23-259
H.B. 23-1147 H.B. 23-1214 H.B. 23-1259 S.B. 23-256 S.B. 23-273

BILLS BECOMING LAW WITHOUT GOVERNOR'S SIGNATURE:

S.B. 23-234

BILLS WITH PORTIONS VETOED BY THE GOVERNOR:

none

Bills enacted *without a Safety Clause**:

House Bills -				
H.B. 23-1002	H.B. 23-1048	H.B. 23-1112	H.B. 23-1186	H.B. 23-1252
H.B. 23-1004	H.B. 23-1051	H.B. 23-1116	H.B. 23-1187	H.B. 23-1253
H.B. 23-1005	H.B. 23-1052	H.B. 23-1117	H.B. 23-1189	H.B. 23-1255
H.B. 23-1006	H.B. 23-1056	H.B. 23-1121	H.B. 23-1190v	H.B. 23-1258v
H.B. 23-1008	H.B. 23-1057	H.B. 23-1123	H.B. 23-1194	H.B. 23-1261
H.B. 23-1009	H.B. 23-1060	H.B. 23-1125	H.B. 23-1195	H.B. 23-1262
H.B. 23-1011	H.B. 23-1061	H.B. 23-1126	H.B. 23-1198	H.B. 23-1263
H.B. 23-1012	H.B. 23-1062	H.B. 23-1130	H.B. 23-1200	H.B. 23-1265
H.B. 23-1014	H.B. 23-1064	H.B. 23-1133	H.B. 23-1201	H.B. 23-1267
H.B. 23-1015	H.B. 23-1067	H.B. 23-1134	H.B. 23-1204	H.B. 23-1268
H.B. 23-1017	H.B. 23-1068	H.B. 23-1136	H.B. 23-1210	H.B. 23-1271
H.B. 23-1019	H.B. 23-1071	H.B. 23-1137	H.B. 23-1212	H.B. 23-1273
H.B. 23-1021	H.B. 23-1074	H.B. 23-1138	H.B. 23-1217	H.B. 23-1275
H.B. 23-1022	H.B. 23-1076	H.B. 23-1139	H.B. 23-1218	H.B. 23-1276
H.B. 23-1023	H.B. 23-1077	H.B. 23-1140	H.B. 23-1219	H.B. 23-1277
H.B. 23-1024	H.B. 23-1081	H.B. 23-1143	H.B. 23-1222	H.B. 23-1278
H.B. 23-1025	H.B. 23-1084	H.B. 23-1146v	H.B. 23-1225	H.B. 23-1279
H.B. 23-1026	H.B. 23-1086	H.B. 23-1147v	H.B. 23-1226	H.B. 23-1280
H.B. 23-1031	H.B. 23-1087	H.B. 23-1156	H.B. 23-1227	H.B. 23-1281
H.B. 23-1033	H.B. 23-1091	H.B. 23-1161	H.B. 23-1234	H.B. 23-1283
H.B. 23-1036	H.B. 23-1093	H.B. 23-1162	H.B. 23-1243	H.B. 23-1284
H.B. 23-1037	H.B. 23-1095	H.B. 23-1172	H.B. 23-1244	H.B. 23-1287
H.B. 23-1039	H.B. 23-1099	H.B. 23-1174	H.B. 23-1245	H.B. 23-1288
H.B. 23-1041	H.B. 23-1100	H.B. 23-1179	H.B. 23-1247	H.B. 23-1297
H.B. 23-1042	H.B. 23-1106	H.B. 23-1184	H.B. 23-1249	H.B. 23-1301
H.B. 23-1043	H.B. 23-1111	H.B. 23-1185	H.B. 23-1251	H.B. 23-1309

* These bills become effective on August 7, 2023, or on the date otherwise specified in the bill. For further explanation concerning the effective date, see page vi of this digest. To see specific effective dates for bills, see pages xi to xiv of this digest.

v - vetoed

Bills enacted *without a Safety Clause: (cont.)**

Senate Bills -				
S.B. 23-002	S.B. 23-059	S.B. 23-148	S.B. 23-192	S.B. 23-252
S.B. 23-006	S.B. 23-065	S.B. 23-149	S.B. 23-193	S.B. 23-253
S.B. 23-008	S.B. 23-066	S.B. 23-150	S.B. 23-195	S.B. 23-258
S.B. 23-010	S.B. 23-068	S.B. 23-151	S.B. 23-196	S.B. 23-259v
S.B. 23-012	S.B. 23-072	S.B. 23-152	S.B. 23-199	S.B. 23-261
S.B. 23-014	S.B. 23-073	S.B. 23-154	S.B. 23-203	S.B. 23-266
S.B. 23-015	S.B. 23-074	S.B. 23-156	S.B. 23-204	S.B. 23-267
S.B. 23-016	S.B. 23-075	S.B. 23-157	S.B. 23-205	S.B. 23-268
S.B. 23-017	S.B. 23-077	S.B. 23-159	S.B. 23-206	S.B. 23-270
S.B. 23-020	S.B. 23-078	S.B. 23-160	S.B. 23-208	S.B. 23-280
S.B. 23-023	S.B. 23-083	S.B. 23-162	S.B. 23-209	S.B. 23-281
S.B. 23-025	S.B. 23-085	S.B. 23-165	S.B. 23-212	S.B. 23-282
S.B. 23-029	S.B. 23-087	S.B. 23-169	S.B. 23-216	S.B. 23-284
S.B. 23-037	S.B. 23-088	S.B. 23-172	S.B. 23-224	S.B. 23-286
S.B. 23-044	S.B. 23-090	S.B. 23-174	S.B. 23-226	S.B. 23-291
S.B. 23-048	S.B. 23-092	S.B. 23-175	S.B. 23-227	S.B. 23-292
S.B. 23-049	S.B. 23-105	S.B. 23-178	S.B. 23-233	S.B. 23-293
S.B. 23-050	S.B. 23-108	S.B. 23-179	S.B. 23-242	S.B. 23-296
S.B. 23-052	S.B. 23-110	S.B. 23-180	S.B. 23-247	S.B. 23-298
S.B. 23-053	S.B. 23-111	S.B. 23-184	S.B. 23-248	S.B. 23-302
S.B. 23-057	S.B. 23-145	S.B. 23-185	S.B. 23-251	S.B. 23-304
S.B. 23-058	S.B. 23-146	S.B. 23-186		

* These bills become effective on August 7, 2023, or on the date otherwise specified in the bill. For further explanation concerning the effective date, see page vi of this digest. To see specific effective dates for bills, see pages xi to xiv of this digest.

v - vetoed

Enacted bills recommended by Statutory and Interim Committees:

Capital Development Committee:				
H.B. 23-1141		S.B. 23-278		
Colorado Commission on Uniform State Laws:				
H.B. 23-1157		S.B. 23-090	S.B. 23-100	
Colorado Youth Advisory Council Review Committee:				
H.B. 23-1009		S.B. 23-014	S.B. 23-029	
Committee on Legal Services:				
H.B. 23-1049	H.B. 23-1301	S.B. 23-102		
Executive Committee of the Legislative Council:				
S.B. 23-197				
Joint Budget Committee (other than supplementals):				
H.B. 23-1295	S.B. 23-136	S.B. 23-219	S.B. 23-229	S.B. 23-239
H.B. 23-1298	S.B. 23-137	S.B. 23-220	S.B. 23-230	S.B. 23-240
H.B. 23-1299	S.B. 23-138	S.B. 23-221	S.B. 23-231	S.B. 23-241
H.B. 23-1300	S.B. 23-139	S.B. 23-222	S.B. 23-232	S.B. 23-242
H.B. 23-1305	S.B. 23-140	S.B. 23-223	S.B. 23-233	S.B. 23-243
	S.B. 23-141	S.B. 23-224	S.B. 23-234	S.B. 23-244
	S.B. 23-142	S.B. 23-225	S.B. 23-235	S.B. 23-245
	S.B. 23-215	S.B. 23-226	S.B. 23-236	S.B. 23-246
	S.B. 23-216	S.B. 23-227	S.B. 23-237	S.B. 23-289
	S.B. 23-217	S.B. 23-228	S.B. 23-238	S.B. 23-294
	S.B. 23-218			
Joint Technology Committee:				
S.B. 23-180	S.B. 23-183			
Legislative Interim Committee on Judicial Discipline:				
H.B. 23-1019	HCR 23-1001			
Legislative Interim Committee on School Finance:				
S.B. 23-099				
Legislative Oversight Committee Concerning Tax Policy:				
H.B. 23-1015	H.B. 23-1111	H.B. 23-1112	H.B. 23-1121	v - vetoed

Enacted bills recommended by Statutory and Interim Committees: (cont.)

Legislative Oversight Committee Concerning the Treatment of Persons with Behavioral Health Disorders in the Criminal and Juvenile Justice Systems:				
H.B. 23-1012	H.B. 23-1013			
Sales and Use Tax Simplification Task Force:				
H.B. 23-1017			SJR 23-004	
Statutory Revision Committee:				
H.B. 23-1250 H.B. 23-1251	H.B. 23-1297		S.B. 23-204 S.B. 23-208	S.B. 23-209
Transportation Legislation Review Committee:				
H.B. 23-1014	H.B. 23-1022	H.B. 23-1123	S.B. 23-012	
Water Resources and Agriculture Review Committee:				
S.B. 23-010				
Wildfire Matters Review Committee:				
H.B. 23-1060			S.B. 23-005	S.B. 23-013
Sunset Review Process:				
S.B. 23-072	S.B. 23-085	S.B. 23-154	S.B. 23-159	S.B. 23-165
S.B. 23-073	S.B. 23-151	S.B. 23-155	S.B. 23-160	S.B. 23-185
S.B. 23-074	S.B. 23-152	S.B. 23-156	S.B. 23-164	S.B. 23-192
S.B. 23-076	S.B. 23-153	S.B. 23-157		
v - vetoed				

Acts with July 1, 2023, and later effective dates:

July 1, 2023				
H.B. 23-1155	S.B. 23-034	S.B. 23-097	S.B. 23-173*	S.B. 23-285
H.B. 23-1196	S.B. 23-086*	S.B. 23-100	S.B. 23-240	S.B. 23-290
H.B. 23-1292	S.B. 23-095	S.B. 23-143*		
August 1, 2023				
S.B. 23-173*				
August 7, 2023				
House Bills -				
H.B. 23-1002	H.B. 23-1056	H.B. 23-1121	H.B. 23-1194	H.B. 23-1255
H.B. 23-1005	H.B. 23-1057	H.B. 23-1123	H.B. 23-1195	H.B. 23-1261
H.B. 23-1006	H.B. 23-1060	H.B. 23-1125	H.B. 23-1198	H.B. 23-1262
H.B. 23-1008	H.B. 23-1061	H.B. 23-1126	H.B. 23-1200	H.B. 23-1263
H.B. 23-1009	H.B. 23-1062	H.B. 23-1130*	H.B. 23-1201	H.B. 23-1265
H.B. 23-1012	H.B. 23-1064	H.B. 23-1133	H.B. 23-1204	H.B. 23-1268
H.B. 23-1017	H.B. 23-1067	H.B. 23-1134	H.B. 23-1210	H.B. 23-1271
H.B. 23-1019*	H.B. 23-1071	H.B. 23-1136	H.B. 23-1212	H.B. 23-1273
H.B. 23-1021	H.B. 23-1074	H.B. 23-1137	H.B. 23-1217	H.B. 23-1275
H.B. 23-1023	H.B. 23-1076	H.B. 23-1139	H.B. 23-1218	H.B. 23-1276
H.B. 23-1024	H.B. 23-1081	H.B. 23-1140	H.B. 23-1225*	H.B. 23-1277*
H.B. 23-1025	H.B. 23-1084	H.B. 23-1143	H.B. 23-1226	H.B. 23-1278
H.B. 23-1026	H.B. 23-1087	H.B. 23-1156	H.B. 23-1227	H.B. 23-1279
H.B. 23-1031	H.B. 23-1091	H.B. 23-1161	H.B. 23-1234	H.B. 23-1280
H.B. 23-1033	H.B. 23-1093	H.B. 23-1162	H.B. 23-1243	H.B. 23-1281
H.B. 23-1036	H.B. 23-1095	H.B. 23-1172	H.B. 23-1244	H.B. 23-1284
H.B. 23-1037	H.B. 23-1099	H.B. 23-1174*	H.B. 23-1247	H.B. 23-1287
H.B. 23-1039	H.B. 23-1100	H.B. 23-1179	H.B. 23-1249	H.B. 23-1288
H.B. 23-1042	H.B. 23-1106	H.B. 23-1184	H.B. 23-1250	H.B. 23-1297
H.B. 23-1043	H.B. 23-1112	H.B. 23-1185	H.B. 23-1251	H.B. 23-1301
H.B. 23-1048	H.B. 23-1116	H.B. 23-1187	H.B. 23-1252	H.B. 23-1309
H.B. 23-1051	H.B. 23-1117	H.B. 23-1189	H.B. 23-1253	

Acts with July 1, 2023, and later effective dates: (cont.)

August 7, 2023 (cont.)				
Senate Bills -				
S.B. 23-002	S.B. 23-059	S.B. 23-148	S.B. 23-186	S.B. 23-248
S.B. 23-006	S.B. 23-065	S.B. 23-149	S.B. 23-192	S.B. 23-251
S.B. 23-008	S.B. 23-066	S.B. 23-150	S.B. 23-193	S.B. 23-252
S.B. 23-010	S.B. 23-068	S.B. 23-151	S.B. 23-195	S.B. 23-253
S.B. 23-012*	S.B. 23-072	S.B. 23-152	S.B. 23-196	S.B. 23-258
S.B. 23-014	S.B. 23-073	S.B. 23-154	S.B. 23-199	S.B. 23-261
S.B. 23-015	S.B. 23-074	S.B. 23-156	S.B. 23-203	S.B. 23-266
S.B. 23-016	S.B. 23-075	S.B. 23-157	S.B. 23-204	S.B. 23-267
S.B. 23-017	S.B. 23-077	S.B. 23-159	S.B. 23-205	S.B. 23-270
S.B. 23-020	S.B. 23-078	S.B. 23-160	S.B. 23-206	S.B. 23-280
S.B. 23-023	S.B. 23-083	S.B. 23-162	S.B. 23-208	S.B. 23-281
S.B. 23-025	S.B. 23-085	S.B. 23-165	S.B. 23-209	S.B. 23-282
S.B. 23-029	S.B. 23-087	S.B. 23-169	S.B. 23-212	S.B. 23-284
S.B. 23-037	S.B. 23-088	S.B. 23-172	S.B. 23-216	S.B. 23-286
S.B. 23-044	S.B. 23-090	S.B. 23-174	S.B. 23-224	S.B. 23-291
S.B. 23-048	S.B. 23-092	S.B. 23-175	S.B. 23-226	S.B. 23-293
S.B. 23-049	S.B. 23-108	S.B. 23-178	S.B. 23-227	S.B. 23-296
S.B. 23-050	S.B. 23-110	S.B. 23-179	S.B. 23-233	S.B. 23-298
S.B. 23-052	S.B. 23-111	S.B. 23-180	S.B. 23-242	S.B. 23-302
S.B. 23-053	S.B. 23-145	S.B. 23-184	S.B. 23-247	S.B. 23-304
S.B. 23-058	S.B. 23-146	S.B. 23-185		
September 1, 2023				
H.B. 23-1086	S.B. 23-153*	S.B. 23-220*	S.B. 23-268	
H.B. 23-1182	S.B. 23-173*			
October 1, 2023				
H.B. 23-1014	H.B. 23-1151	H.B. 23-1293	S.B. 23-168	
H.B. 23-1034	H.B. 23-1219			
January 1, 2024				
H.B. 23-1004	H.B. 23-1027*	H.B. 23-1181	H.B. 23-1245	
H.B. 23-1011	H.B. 23-1068	H.B. 23-1186	H.B. 23-1267	
H.B. 23-1015	H.B. 23-1077	H.B. 23-1222	H.B. 23-1277*	
H.B. 23-1022	H.B. 23-1111	H.B. 23-1229*		
S.B. 23-036*	S.B. 23-057	S.B. 23-155*	S.B. 23-276*	
S.B. 23-039	S.B. 23-105	S.B. 23-176*	S.B. 23-292	
S.B. 23-040				

Acts with July 1, 2023, and later effective dates: (cont.)			
April 31, 2024			
S.B. 23-012*			
June 1, 2024			
S.B. 23-069	S.B. 23-200*		
July 1, 2024			
H.B. 23-1138 H.B. 23-1229*	S.B. 23-167* S.B. 23-173*	S.B. 23-176* S.B. 23-220*	S.B. 23-276*
October 1, 2024			
H.B. 23-1041	H.B. 23-1283		
January 1, 2025			
H.B. 23-1052+	H.B. 23-1130*	H.B. 23-1174*	H.B. 23-1225*
July 1, 2025			
S.B. 23-289*			
July 1, 2026			
S.B. 23-274*	* - portions	+ contingent on other actions	
Contingent on other actions:			
H.B. 23-1019*	Sections of this act take effect only if voters approve HCR23-1001 at the next general election and it becomes law.		
H.B. 23-1052	This act will take effect only if a constitutional amendment to section 3.5 (1.5) of article X of the state constitution is approved at the next general election and it becomes law.		
H.B. 23-1311*	Section 1 of this act takes effect only if voters approve the SB23-303 ballot proposal in the 2023 election. Effective upon governor proclamation of voter approval or January 1, 2024.		
S.B. 23-303*	Sections of this act take effect only if voters approve the 2023 ballot proposal. Effective upon governor proclamation of voter approval.		

TABLE OF ENACTED HOUSE BILLS

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
1001	Kipp & McLachlan, Zenzinger	Expanding Assistance For Educator Programs	Approved 4/10/2023	4/10/2023	56	96
1002	Mabrey & Jodeh, Roberts	Epinephrine Auto-injectors	Approved 6/7/2023	No Safety Clause	447	210
1003	Michaelson Jenet, Cutter	School Mental Health Assessment	Approved 6/5/2023	6/5/2023	363	201
1004	Velasco, Gonzales	Language Access In Insurance Documents	Approved 4/11/2023	No Safety Clause 1/1/2024	64	211
1005	Willford & Titone, Jaquez Lewis & Marchman	New Energy Improvement Program Changes	Approved 3/8/2023	No Safety Clause	12	117
1006	Young & Daugherty, Exum	Employer Notice Of Income Tax Credits	Approved 3/31/2023	No Safety Clause	48	288
1007	Catlin & Amabile, Roberts & Pelton B.	Higher Education Crisis & Suicide Prevention	Approved 3/17/2023	3/17/2023	23	96
1008	Weissman, Fields & Hinrichsen	Food Accessibility	Approved 6/2/2023	No Safety Clause	338	288
1009	Lindsay, Moreno	Secondary School Student Substance Use	Approved 4/26/2023	No Safety Clause	115	84
1011	Titone & Weinberg, Hinrichsen	Consumer Right To Repair Ag Equipment	Approved 4/25/2023	No Safety Clause 1/1/2024	107	30
1012	Amabile, Rodriguez	Juvenile Competency To Proceed	Approved 5/16/2023	No Safety Clause	205	18
1013	Amabile, Fields & Rodriguez	Use Of Restrictive Practices In Prisons	Approved 6/5/2023	6/5/2023	364	39
1014	Boesenecker, Winter F.	Yield To Larger Vehicles In Roundabouts	Approved 3/23/2023	No Safety Clause 10/1/2023	31	239

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
1015	Bird, Liston	Taxation Tobacco Products Remote Retail Sellers	Approved 5/1/2023	No Safety Clause 1/1/2024	142	289
1017	Kipp & Bockenfeld, Bridges & Van Winkle	Electronic Sales & Use Tax Simplification System	Approved 6/5/2023	No Safety Clause	365	289
1019	Weissman & Lynch, Gardner & Gonzales	Judicial Discipline Procedures & Reporting	Approved 6/5/2023	No Safety Clause; portions referred	366	46
1021	Snyder & Weinberg, Van Winkle & Cutter	Embargo And Destroy Marijuana	Approved 3/23/2023	No Safety Clause	32	280
1022	Froelich & Weinberg, Bridges & Rich	Registration Of Vehicles In Rental Fleets	Approved 4/24/2023	No Safety Clause 1/1/2024	105	304
1023	Lindstedt & Wilson, Roberts & Gardner	Special District Construction Contracts	Approved 3/17/2023	No Safety Clause	22	118
1024	Gonzales-Gutierrez & Epps, Exum & Van Winkle	Relative & Kin Placement Of A Child	Approved 6/5/2023	No Safety Clause	367	19
1025	Taggart & Michaelson Jenet, Rich	Charter School Application Timelines	Approved 4/25/2023	No Safety Clause	110	85
1026	English, Fields	Family Time For Grandparents	Approved 5/23/2023	No Safety Clause	243	20
1027	Joseph & Weissman, Winter F.	Parent And Child Family Time	Approved 6/1/2023	Portions 6/1/2023; portion 1/1/2024	284	20
1030	Sirota & Soper, Hinrichsen	Prohibit Direct-hire Fee Health-care Staff Agency	Approved 5/1/2023	5/1/2023	143	226
1031	Story & Willford, Winter F.	Mental Health Professionals Reporting Exemption	Approved 4/10/2023	No Safety Clause	57	177
1032	Ortiz, Rodriguez	Remedies Persons With Disabilities	Approved 5/25/2023	5/25/2023	271	144

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
1033	Sharbini & Joseph, Gonzales	Alternate Defense Counsel Contracts	Approved 3/3/2023	No Safety Clause	9	283
1034	Daugherty & Soper, Gonzales & Simpson	Measures To Expand Postconviction DNA Testing	Approved 3/10/2023	10/1/2023	15	60
1036	McLachlan, Cutter	Nontoxic Bullet Replacement Hunting Prog	Approved 5/19/2023	No Safety Clause	224	250
1037	Martinez, Gonzales	DOC Earned Time For College Program Completion	Approved 4/12/2023	No Safety Clause	66	40
1039	Bird, Rodriguez & Winter F.	Electric Resource Adequacy Reporting	Approved 4/25/2023	No Safety Clause	111	270
1040	Lieder & Frizell, Cutter & Pelton R.	Prader-Willi Syndrome	Approved 3/31/2023	3/31/2023	41	193
1041	Duran & Lynch, Ginal & Simpson	Prohibit Wagering On Simulcast Greyhound Races	Approved 6/2/2023	No Safety Clause 10/1/2024	339	280
1042	Bacon & Sharbini, Gonzales	Admissibility Standards For Juv Statements	Approved 5/18/2023	No Safety Clause	221	21
1043	Lindsay & Pugliese, Ginal & Rich	Emer & Continued Placement With Relative Or Kin	Approved 3/17/2023	No Safety Clause	20	22
1045	Evans, Pelton B. & Hinrichsen	Employee Leave For Colorado National Guard Service	Approved 3/10/2023	3/10/2023	17	232
1048	Luck & Boesenecker, Pelton R. & Ginal	Two-lane State Highway Staggered Delineator Posts	Approved 6/5/2023	No Safety Clause	368	305
1049	Soper & Bacon, Gardner & Rodriguez	Enactment Of CRS 2022	Approved 2/24/2023	2/24/2023	1	284
1051	Lukens & Holtorf, Roberts & Pelton R.	Support For Rural Telecommunications Providers	Approved 3/23/2023	No Safety Clause	33	271
1052	Marshall, Fields	Mod Prop Tax Exemption For Veterans With Disab	Approved 4/28/2023	No Safety Clause 1/1/2025; contingency	131	233

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
1053	Hartsook & Ortiz, Zenzinger & Rich	Veterans' Cemetery CDPS Gifts Grants Donations	Approved 3/10/2023	3/10/2023	16	144
1056	Hamrick, Cutter	Efficiency At The State Archives	Approved 6/5/2023	No Safety Clause	369	145
1057	McCormick & Vigil, Jaquez Lewis	Amenities For All Genders In Public Buildings	Approved 5/24/2023	No Safety Clause	254	226
1058	Dickson, Buckner	Child-occupied Facility Lead-based Paint Abatement	Approved 3/31/2023	3/31/2023	49	178
1060	Story, Cutter	Updates To State Forest Service Tree Nursery	Approved 5/15/2023	No Safety Clause	185	251
1061	Daugherty & Taggart, Zenzinger	Alcohol Beverage Retail Establishment Permit	Approved 6/2/2023	No Safety Clause	340	281
1062	Mauro, Hinrichsen	Metropolitan District Tax For Parks & Recreation	Approved 4/17/2023	No Safety Clause	84	118
1064	Lukens & Young, Marchman	Interstate Teacher Mobility Compact	Approved 3/10/2023	No Safety Clause	18	145
1067	Young & Bradfield, Cutter	Family Intervener Prog Deafblind Children	Approved 5/15/2023	No Safety Clause	186	201
1068	Valdez, Winter F.	Pet Animal Ownership In Housing	Approved 6/7/2023	No Safety Clause 1/1/2024	416	263
1069	McCormick & Amabile, Cutter	Study Biochar In Plugging Of Oil & Gas Wells	Approved 5/18/2023	5/18/2023	219	251
1071	Amabile & Bradfield, Simpson & Fenberg	Licensed Psychologist Prescriptive Authority	Approved 3/3/2023	No Safety Clause	6	259
1072	Velasco, Roberts & Will	Civil Defense Worker Compensation	Approved 3/17/2023	3/17/2023	21	145
1074	Dickson & Amabile, Marchman	Study Workforce Transitions To Other Industries	Approved 5/16/2023	No Safety Clause	196	228
1075	Snyder & Joseph, Exum	Wildfire Evacuation & Clearance Time Modeling	Approved 5/12/2023	5/12/2023	176	145

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
1076	Daugherty, Marchman	Workers' Compensation	Approved 6/5/2023	No Safety Clause	370	228
1077	Willford & Garcia, Winter F. & Jaquez Lewis	Informed Consent To Intimate Patient Examinations	Approved 5/25/2023	No Safety Clause 1/1/2024	262	178
1081	Lindstedt & Taggart, Hinrichsen	Employee Ownership Tax Credit Expansion	Approved 5/23/2023	No Safety Clause	244	290
1084	Bradfield & Ortiz, Gardner	Continuation Of Mil Retirement Benefit Deduction	Approved 6/5/2023	No Safety Clause	371	290
1086	DeGraaf & Joseph, Baisley & Winter F.	Due Process Asset Forfeiture Act	Approved 6/7/2023	No Safety Clause 9/1/2023	419	61
1087	Catlin & McLachlan, Roberts & Will	Fiscal Rule Advance Payment Charitable Food Grants	Approved 3/31/2023	No Safety Clause	45	146
1088	Martinez, Hinrichsen	Veterans Mental Health Session Reimbursement Prog	Approved 5/16/2023	5/16/2023	201	233
1089	Young, Zenzinger	Special Education Serv For Students In Foster Care	Approved 4/25/2023	4/25/2023	112	85
1091	Pugliese & Kipp, Marchman & Rich	Continuation Of Child Care Contribution Tax Credit	Approved 5/23/2023	No Safety Clause	241	291
1093	McLachlan & Martinez, Rich	Higher Ed Staff Sabbaticals	Approved 4/10/2023	No Safety Clause	58	96
1094	Lukens & Catlin, Roberts & Pelton R.	Extend Ag Workforce Development Program	Approved 4/25/2023	4/25/2023	108	6
1095	Woodrow & Lindsay, Hinrichsen & Winter F.	Prohibited Provisions In Rental Agreements	Approved 6/5/2023	No Safety Clause	372	264
1099	Vigil & Weissman, Fields & Exum	Portable Screening Report For Residential Leases	Approved 5/4/2023	No Safety Clause	151	265
1100	Ricks & Garcia, Jaquez Lewis & Gonzales	Restrict Gov Involvement In Immigration Detention	Approved 6/6/2023	No Safety Clause	413	146
1101	Vigil & Bacon, Winter F.	Ozone Season Transit Grant Program Flexibility	Approved 4/28/2023	4/28/2023	132	305

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1102	Evans & Bird, Roberts & Hansen	Alcohol & Drug Impaired Driving Enforcement	Approved 6/5/2023	6/5/2023	373	306
1105	Parenti & Titone, Cutter & Fields	HOA & Metro Dist Homeowners' Rights Task Forces	Approved 5/24/2023	5/24/2023	255	266
1106	Evans & Bird, Kolker & Will	FPPA Board's Noncompounding Authorization	Approved 3/23/2023	No Safety Clause	34	147
1107	Duran & Pugliese, Gardner & Winter F.	Crime Victim Services Funding	Approved 5/25/2023	5/25/2023	264	207
1108	Duran & Evans, Hansen & Gardner	Victim & Survivor Training For Judicial Personnel	Approved 5/25/2023	5/25/2023	265	48
1111	Bird, Hansen	Unauthorized Insurance Premium Tax Rate	Approved 3/31/2023	No Safety Clause 1/1/2024	46	291
1112	Bird & Young, Hansen & Kolker	Earned Income & Child Tax Credits	Approved 6/7/2023	No Safety Clause	445	291
1116	Hartsook & Daugherty, Rodriguez & Baisley	Contracts Between Carriers & Providers	Approved 4/10/2023	No Safety Clause	59	212
1117	Jodeh & Garcia, Gonzales & Hinrichsen	Affidavit Support Eligibility Public Benefits	Approved 4/11/2023	No Safety Clause	65	193
1120	Joseph & Ortiz, Fields & Winter F.	Eviction Protections For Residential Tenants	Approved 6/6/2023	6/6/2023	414	48
1121	Bird, Hansen & Liston	Repeal Of Infrequently Used Tax Expenditures	Approved 3/23/2023	No Safety Clause	35	292
1123	Lindsay, Bridges	Move Over or Slow Down Stationary Vehicle	Approved 3/17/2023	No Safety Clause	19	239
1125	Lukens & Winter T., Simpson & Marchman	Modernize Process To Obtain Water Well Info	Approved 3/31/2023	No Safety Clause	47	309
1126	Ricks, Exum	Consumer Reports Not Include Medical Debt Info	Approved 6/5/2023	No Safety Clause	374	31

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
1130	Michaelson Jenet, Rodriguez	Drug Coverage For Serious Mental Illness	Approved 6/6/2023	No Safety Clause; Portions 1/1/2025	394	193
1132	Snyder & Soper, Fields	The Court Data-sharing Task Force	Approved 6/7/2023	6/7/2023	420	49
1133	Lindsay & Amabile, Gonzales & Rodriguez	Cost Of Phone Calls For Persons In Custody	Approved 6/7/2023	No Safety Clause	421	40
1134	Joseph & Kipp, Cutter	Require Electric Options In Home Warranties	Approved 3/31/2023	No Safety Clause	43	260
1135	Michaelson Jenet & Bird, Zenzinger	Penalty For Indecent Exposure In View Of Minors	Approved 6/7/2023	6/7/2023	422	61
1136	Ortiz & Hartsook, Winter F. & Liston	Prosthetic Devices For Recreational Activity	Approved 5/25/2023	No Safety Clause	268	212
1137	Lukens & Valdez, Hansen & Roberts	Solar Garden Net Metering Credits Stabilization	Approved 4/17/2023	No Safety Clause	85	271
1138	Amabile & Soper, Rodriguez	Procedures Related To Adult Competency	Approved 6/7/2023	No Safety Clause 7/1/2024	423	61
1139	Martinez, Simpson	Mod Rural Cnty Officer Salary Categories	Approved 3/23/2023	No Safety Clause	38	108
1140	Snyder & Evans, Rodriguez & Van Winkle	Powersports Vehicle Dealer Business Place	Approved 3/31/2023	No Safety Clause	44	281
1141	Lindsay & Story, Hinrichsen & Mullica	History Colorado Authority To Sell Property	Approved 3/31/2023	3/31/2023	42	147
1143	Kipp & Armagost, Gonzales	Fed Authorize Firearms For DACA Peace Officers	Approved 4/27/2023	No Safety Clause	121	62
1145	Sharbini & English, Fields & Exum	Hearing Timelines Juveniles In Adult Facilities	Approved 3/23/2023	3/23/2023	39	22
1146	Valdez, Rodriguez	Employees May Accept Cash Tips	Vetoed 5/23/2023			229

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
1147	Kipp, Winter F.	Driver's License Examination Reimbursement	Vetoed 5/16/2023			239
1151	Woodrow & Bockenfeld, Rodriguez & Gardner	Clarifications To 48-hour Bond Hearing Requirement	Approved 4/20/2023	10/1/2023	92	62
1153	Armagost & Amabile, Pelton B. & Rodriguez	Pathways To Behavioral Health Care	Approved 5/30/2023	5/30/2023	283	202
1155	Weissman & Bacon, Gonzales	Advisement During Custodial Interrogation	Approved 5/15/2023	7/1/2023	192	62
1156	Taggart & Young, Koker & Pelton R.	Public Airport Authority Act Modernization	Approved 4/10/2023	No Safety Clause	60	8
1157	Joseph & Weinberg, Exum & Gardner	Uniform Unregulated Child Custody Transfer Act	Approved 4/17/2023	4/17/2023	86	23
1158	Willford & Taggart, Mullica	CO Commodity Supplemental Food Grant Program	Approved 6/7/2023	6/7/2023	424	207
1161	Kipp & Willford, Cutter & Winter F.	Environmental Standards For Appliances	Approved 6/1/2023	No Safety Clause	285	31
1162	Woodrow, Rodriguez	Consumer Legal Funding Transactions	Approved 6/1/2023	No Safety Clause	286	33
1167	deGruy Kennedy & Sharbini, Rodriguez	Reporting Of Emergency Overdose Events	Approved 5/1/2023	5/1/2023	144	63
1168	Sharbini & Joseph, Winter F.	Legal Representation & Students With Disabilities	Approved 5/25/2023	5/25/2023	272	85
1172	Parenti, Jaquez Lewis	Child Welfare And Juvenile Court Jurisdiction	Approved 4/12/2023	No Safety Clause	67	23
1174	Amabile & Brown, Baisley & Roberts	Homeowner's Insurance Underinsurance	Approved 5/12/2023	No Safety Clause; portion 1/1/2025	168	213
1178	Froelich, Winter F.	Court Personnel & Domestic Violence Awareness	Approved 5/25/2023	5/25/2023	266	49
1179	Mauro & Winter T., Hinrichsen & Simpson	Agricultural Products Inspection Cash Fund Reserve	Approved 4/20/2023	No Safety Clause	103	7

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
1181	Mauro, Hinrichsen & Mullica	Guaranteed Asset Protection Agreements	Approved 6/7/2023	No Safety Clause 1/1/2024	425	34
1182	Epps & Mabrey, Fields & Gardner	Remote Public Access To Criminal Court Proceedings	Approved 6/7/2023	No Safety Clause 9/1/2023	426	50
1183	Jodeh & Sirota, Winter F.	Prior Authorization For Step-therapy Exception	Approved 5/1/2023	5/1/2023	133	194
1184	Lindstedt & Frizell, Roberts	Low-income Housing Property Tax Exemptions	Approved 5/25/2023	No Safety Clause	260	292
1185	Daugherty & Woodrow, Rodriguez	Reqmnts For Recall Elections & Vacancies	Approved 4/17/2023	No Safety Clause	87	102
1186	Lindsay & Jodeh, Exum & Jaquez Lewis	Remote Participation In Residential Evictions	Approved 6/7/2023	No Safety Clause 1/1/2024	415	51
1187	Bacon & Amabile, Gonzales & Fields	Alternatives In Crim Jus Sys & Pregnant Persons	Approved 5/23/2023	No Safety Clause	246	63
1189	Bird & Weinberg, Zenzinger & Mullica	Employer Assistance For Home Purchase Tax Credit	Approved 6/7/2023	No Safety Clause	446	293
1190	Boesenecker & Sirota, Winter F.	Affordable Housing Right Of First Refusal	Vetoed 6/6/2023			111
1191	English, Fields	Prohibit Corporal Punishment Of Children	Approved 4/20/2023	4/20/2023	93	86
1192	Weissman, Gonzales & Rodriguez	Additional Protections In Consumer Code	Approved 6/7/2023	6/7/2023	427	34
1194	McLachlan & Pugliese, Simpson & Ginal	Closed Landfills Remediation Local Govs Grants	Approved 5/19/2023	No Safety Clause	225	179
1195	Michaelson Jenet & Soper, Ginal & Kirkmeyer	Automated Pharmacy Dispensing System	Approved 5/1/2023	No Safety Clause	134	260
1196	Lieder, Sullivan	Remedies At Law For Violating Colorado Youth Act	Approved 6/7/2023	7/1/2023	428	229

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1197	Young & Weinberg, Danielson	Stakeholder Process For Oversight Of Host Home Providers	Approved 5/30/2023	5/30/2023	281	194
1198	Titone & Lukens, Rich	Teacher Externship Program For STEM Disciplines	Approved 5/22/2023	No Safety Clause	239	230
1199	Froelich & Soper, Winter F.	Forensic Medical Evidence Process Improvements	Approved 5/25/2023	5/25/2023	263	65
1200	Ricks & Bockenfeld, Mullica	Improved Outcomes Persons Behavioral Health	Approved 6/7/2023	No Safety Clause	429	202
1201	Daugherty & Soper, Mullica & Smallwood	Rx Drug Benefits Contract Term Requirements	Approved 5/10/2023	No Safety Clause	158	195
1204	Lindstedt & Weinberg, Priola	Recovery Residence Discharge Policy	Approved 5/1/2023	No Safety Clause	145	202
1205	Lynch & Bacon, Gardner & Moreno	Office Of Judicial Ombudsman	Approved 6/7/2023	6/7/2023	430	52
1210	Dickson, Hansen	Carbon Management	Approved 5/22/2023	No Safety Clause	236	179
1212	Hamrick & Lieder, Kolker & Danielson	Promotion Of Apprenticeships	Approved 5/16/2023	No Safety Clause	197	230
1213	Young & Bradfield, Mullica	Stop The Bleed School Training & Kits	Approved 5/15/2023	5/15/2023	187	180
1214	Epps, Coleman & Gonzales	Procedure To Apply For Commutation Of Sentence	Vetoed 5/16/2023			65
1215	Sirota & Boesenecker, Mullica & Cutter	Limits On Hospital Facility Fees	Approved 5/30/2023	5/30/2023	277	180
1216	Story & Froelich, Danielson	Natural Gas Pipeline Safety	Approved 6/7/2023	6/7/2023	431	271
1217	Froelich, Fields	Motor Vehicles Tows & Crime Victims	Approved 5/15/2023	No Safety Clause	193	241
1218	Brown & Titone, Jaquez Lewis	Health Facility Patient Information Denied Service	Approved 5/10/2023	No Safety Clause	155	182

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1219	Froelich & Amabile, Sullivan & Hansen	Waiting Period To Deliver A Firearm	Approved 4/28/2023	No Safety Clause 10/1/2023	125	65
1220	Holtorf & McCormick, Pelton B. & Pelton R.	Study Republican River Groundwater Economic Impact	Approved 6/3/2023	6/3/2023	342	310
1222	Duran & Weissman, Roberts & Winter F.	Cases Of Domestic Violence In Municipal Court	Approved 5/25/2023	No Safety Clause 1/1/2024	267	53
1223	Bacon & English, Fields	Task Force To Prioritize Grants Target Population	Approved 6/7/2023	6/7/2023	433	23
1224	Brown & Jodeh, Roberts	Standardized Health Benefit Plan	Approved 5/10/2023	5/10/2023	159	213
1225	deGruy Kennedy & Dickson, Jaquez Lewis & Buckner	Extend & Modify Rx Drug Affordability Board	Approved 5/10/2023	No Safety Clause; Portion 1/1/2025	162	214
1226	Soper & deGruy Kennedy, Roberts & Will	Hospital Transparency & Reporting Requirements	Approved 6/2/2023	No Safety Clause	306	195
1227	Jodeh & Ortiz, Will	Enforce Laws Against Pharmacy Benefit Managers	Approved 5/10/2023	No Safety Clause	160	215
1228	McCluskie & Willford, Zenzinger	Nursing Facility Reimbursement Rate Setting	Approved 5/30/2023	5/30/2023	278	196
1229	Weissman & Mabrey, Gonzales	Amending Terms Consumer Lending Laws	Approved 6/5/2023	Portions 6/5/2023; Portion 1/1/2024; Portions 7/1/2024	375	35
1231	McLachlan & Pugliese, Marchman & Lundeen	Math In Pre-kindergarten Through Twelfth Grade	Approved 5/15/2023	5/15/2023	190	86
1232	McCluskie & Jodeh, Roberts	Extend Housing Toolkit Time Frame	Approved 5/17/2023	5/17/2023	217	147

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1233	Mauro & Valdez, Priola & Winter F.	Electric Vehicle Charging & Parking Requirements	Approved 5/23/2023	5/23/2023	245	241
1234	Brown & Soper, Roberts	Streamlined Solar Permitting & Inspection Grants	Approved 5/11/2023	No Safety Clause	164	148
1235	Sirota, Buckner	Technical Mod To Dept Of Early Childhood	Approved 6/7/2023	6/7/2023	434	69
1236	Young & Amabile, Kolker	Implementation Updates To Behavioral Health Admin	Approved 5/16/2023	5/16/2023	206	203
1237	Velasco, Will & Exum	Inclusive Language Emergency Situations	Approved 5/12/2023	5/12/2023	177	97
1240	Brown & Amabile, Fenberg	Sales Use Tax Exemption Wildfire Disaster Constr	Approved 5/12/2023	5/12/2023	171	293
1241	Bird & Pugliese, Zenzinger & Kirkmeyer	Task Force To Study K-12 Accountability System	Approved 5/24/2023	5/24/2023	256	88
1242	Boesenecker & Joseph, Cutter	Water Conservation In Oil & Gas Operations	Approved 6/7/2023	6/7/2023	435	252
1243	Amabile, Moreno	Hospital Community Benefit	Approved 5/10/2023	No Safety Clause	156	198
1244	deGruy Kennedy & Velasco, Priola	Regional Health Connector Program	Approved 6/7/2023	No Safety Clause	436	183
1245	Parenti & Willford, Priola & Rodriguez	Campaign Practices For Municipal Elections	Approved 6/7/2023	No Safety Clause 1/1/2024	417	103
1246	McCluskie & Pugliese, Buckner & Will	Support In-demand Career Workforce	Approved 5/16/2023	5/16/2023	199	98
1247	Lukens & Winter T., Roberts & Pelton R.	Assess Advanced Energy Solutions In Rural Colorado	Approved 5/20/2023	No Safety Clause	229	148
1249	Armagost & Gonzales-Gutierrez, Simpson & Coleman	Reduce Justice-involvement For Young Children	Approved 6/1/2023	No Safety Clause	287	24
1250	Pugliese, Pelton B.	Attorney General Jurisdiction Regulate Architects	Approved 6/7/2023	No Safety Clause	432	261

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1251	Epps & Pugliese, Pelton B.	Repeal Of Obsolete Provisions In Title 39	Approved 6/7/2023	No Safety Clause	437	294
1252	Lieder & Kipp, Exum	Thermal Energy	Approved 5/11/2023	No Safety Clause	166	272
1253	Sharbini & Lindsay, Hinrichsen	Task Force To Study Corporate Housing Ownership	Approved 6/7/2023	No Safety Clause	438	112
1254	Brown & Mabrey, Cutter	Habitability of Residential Premises	Approved 5/12/2023	5/12/2023	169	267
1255	Lindstedt & Dickson, Gonzales	Regulate Local Housing Growth Restrictions	Approved 6/7/2023	No Safety Clause	448	113
1257	Velasco & Boesenecker, Cutter & Priola	Mobile Home Park Water Quality	Approved 6/5/2023	6/5/2023	376	183
1258	Sharbini & Garcia, Cutter & Priola	Drug Crime Cost Task Force	Vetoed 6/6/2023			185
1259	Daugherty & Evans, Zenzinger & Simpson	Open Meetings Law Executive Session Violations	Vetoed 6/6/2023			113
1260	Soper & Valdez, Baisley & Priola	Advanced Industry Semiconductor Mfg Incentives	Approved 5/20/2023	5/20/2023	227	294
1261	McLachlan & Martinez, Pelton B. & Buckner	No Requirement For Selective Service Higher Ed	Approved 5/16/2023	No Safety Clause	202	98
1262	Ricks & Bradley, Priola	Colorado Re-engaged Initiative Modifications	Approved 6/7/2023	No Safety Clause	439	99
1263	Garcia & Young, Zenzinger & Gonzales	Translating Individualized Education Programs	Approved 5/25/2023	No Safety Clause	273	89
1264	McCormick & Catlin, Pelton R. & Marchman	Update Livestock Health Act	Approved 5/18/2023	5/18/2023	222	7
1265	Lukens & Velasco, Marchman & Will	Born To Be Wild Special License Plate	Approved 5/20/2023	No Safety Clause	231	242
1266	Brown & Ricks, Jaquez Lewis & Buckner	Reverse Mortgage Repayment When Home Uninhabitable	Approved 6/7/2023	6/7/2023	440	105

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
1267	McCluskie & Soper, Roberts	Double Fines Speeding Trucks On Steep Grades	Approved 6/5/2023	No Safety Clause 1/1/2024	382	243
1268	Lukens & Evans, Roberts & Pelton B.	Private Treatment for Out-of-state Defendant	Approved 5/20/2023	No Safety Clause	233	41
1269	Michaelson Jenet & Gonzales-Gutierrez, Bridges & Gardner	Extended Stay & Boarding Patients	Approved 6/5/2023	6/5/2023	377	205
1270	Garcia & Lindsay, Gonzales	Creation Of Urgent Incident Response Fund	Approved 6/1/2023	6/1/2023	288	149
1271	Gonzales-Gutierrez & Soper, Gonzales	Lunar New Year Day As An Observed State Holiday	Approved 6/2/2023	No Safety Clause	335	149
1272	Weissman & Joseph, Fenberg & Cutter	Tax Policy That Advances Decarbonization	Approved 5/11/2023	5/11/2023	167	296
1273	Snyder & Joseph, Roberts	Creation Of Wildfire Resilient Homes Grant Program	Approved 5/12/2023	No Safety Clause	175	149
1274	McCormick & Catlin, Roberts & Will	Species Conservation Trust Fund Projects	Approved 6/5/2023	6/5/2023	385	150
1275	Lindstedt & Weinberg, Roberts	Modification Film Production Incentive	Approved 6/1/2023	No Safety Clause	289	150
1276	Lindstedt & Vigil, Zenzinger	Scope Of Bridge And Tunnel Enterprise	Approved 5/15/2023	No Safety Clause	194	306
1277	Marshall & Taggart, Kolker & Smallwood	Reporting Adjustments To Taxable Income	Approved 6/1/2023	No Safety Clause; Portions 1/1/2024	290	301
1278	Brown & Parenti, Gonzales	Virtual Marriage Or Civil Union License Procedures	Approved 6/1/2023	No Safety Clause	291	25
1279	Lindstedt & Sharbini, Rodriguez	Allow Retail Marijuana Online Sales	Approved 6/1/2023	No Safety Clause	292	282

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
1280	Joseph & Soper, Roberts & Gardner	Colorado Access To Justice Commission	Approved 6/2/2023	No Safety Clause	308	54
1281	Titone & Vigil, Cutter & Priola	Advance The Use Of Clean Hydrogen	Approved 5/22/2023	No Safety Clause	237	273
1283	Jodeh, Gonzales	Transfer Refugee Services To New Americans Ofc	Approved 6/1/2023	No Safety Clause 10/1/2024	293	151
1284	deGruy Kennedy & Lieder, Mullica	Modifications To The Property Tax Deferral Program	Approved 6/1/2023	No Safety Clause	294	301
1285	Valdez, Priola	Store Use Of Carryout Bags & Sustainable Products	Approved 6/1/2023	6/1/2023	295	186
1286	Armagost & Duran, Gardner & Ginal	Increase Penalty Cruelty Police & Service Animals	Approved 6/2/2023	6/2/2023	341	66
1287	McCluskie & Lukens, Roberts & Will	County Regul Related To Short-term Rentals	Approved 6/5/2023	No Safety Clause	380	113
1288	McCluskie & Amabile, Roberts	Fair Access To Insurance Requirements Plan	Approved 5/12/2023	No Safety Clause	170	216
1290	McCluskie & Sirota, Moreno & Fields	Proposition EE Funding Retention Rate Reduction	Approved 6/2/2023	6/2/2023	337	302
1291	Joseph & Gonzales-Gutierrez, Winter F. & Fields	Procedures For Expulsion Hearing Officers	Approved 6/1/2023	6/1/2023	296	89
1292	Weissman & Soper, Gonzales & Gardner	Enhanced Sentencing CO Commn Crim & Juv Jus Rec	Approved 6/1/2023	7/1/2023	297	66
1293	Weissman & Soper, Gonzales & Gardner	Felony Sentencing Commission Recommendations	Approved 6/1/2023	10/1/2023	298	67
1294	Bacon & Willford, Winter F. & Gonzales	Pollution Protection Measures	Approved 6/6/2023	6/6/2023	401	186
1295	Bird & Bockenfeld, Zenzinger & Kirkmeyer	Audits Of DHCPF Payments To Providers	Approved 6/1/2023	6/1/2023	299	199
1296	Ortiz & Herod, Winter F.	Create Task Force Study Rights Persons Disab	Approved 5/25/2023	5/25/2023	269	152

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
1297	Epps & Taggart, Pelton B.	Prohibit Corporation Issuing Scrip In Bearer Form	Approved 6/7/2023	No Safety Clause	441	37
1298	Sirota & Bird, Bridges & Kirkmeyer	Earlier Funding For Middle School Lead Testing	Approved 6/1/2023	6/1/2023	300	188
1299	Bird & Bockenfeld, Bridges & Kirkmeyer	Justice Reinvestment Crime Prevention Initiative.	Approved 6/1/2023	6/1/2023	301	152
1300	Bird & Sirota, Zenzinger & Kirkmeyer	Continuous Eligibility Medical Coverage	Approved 6/1/2023	6/1/2023	302	199
1301	Soper & Snyder, Gardner & Rodriguez	Revisor's Bill	Approved 6/1/2023	No Safety Clause	303	284
1303	Brown & McCluskie, Hansen & Roberts	Protect Against Insurers' Impairment & Insolvency	Approved 5/15/2023	5/15/2023	195	217
1304	McCluskie & Frizell, Roberts & Exum	Prop 123 Affordable Housing Programs	Approved 6/5/2023	6/5/2023	381	153
1305	Bird & Bockenfeld, Zenzinger & Kirkmeyer	Continue Health Benefits In Work-related Death	Approved 6/1/2023	6/1/2023	304	114
1306	Herod & Soper, Gardner & Coleman	Public Use of Elected Officials' Social Media	Approved 6/5/2023	6/5/2023	378	154
1307	Daugherty & Soper, Simpson & Rodriguez	Juvenile Detention Services & Funding	Approved 6/7/2023	6/7/2023	442	25
1309	Herod & Snyder, Jaquez Lewis	Film Incentive Tax Credit	Approved 6/5/2023	No Safety Clause	379	154
1311	deGruy Kennedy & Weissman, Hansen & Hinrichsen	Identical Temporary TABOR Refund	Approved 5/24/2023	Portions 5/24/2023; Portion Ballot issue	257	302

TABLE OF ENACTED SENATE BILLS

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
001	Roberts & Zenzinger, Bird & Lukens	Auth Of Pub-private Collaboration Unit For Hous	Approved 5/20/2023	5/20/2023	234	119
002	Mullica & Simpson, McCluskie & Bradfield	Medicaid Reimbursement For Community Hlth Serv	Approved 5/10/2023	No Safety Clause	157	189
003	Buckner & Gardner, Weissman & Wilson	Colorado Adult High School Program	Approved 6/6/2023	6/6/2023	387	70
004	Marchman & Jaquez Lewis, Michaelson Jenet & Young	Employment Of School Mental Health Professionals	Approved 5/4/2023	5/4/2023	146	71
005	Jaquez Lewis & Cutter, Lynch & Snyder	Forestry And Wildfire Mitigation Workforce	Approved 5/12/2023	5/12/2023	172	218
006	Roberts & Rich, McLachlan & Catlin	Creation Of The Rural Opportunity Office	Approved 5/20/2023	No Safety Clause	228	119
007	Zenzinger & Kirkmeyer, Kipp & Catlin	Adult Education	Approved 6/2/2023	6/2/2023	312	71
008	Moreno, Lindsay	Youth Involvement Education Standards Review	Approved 4/26/2023	No Safety Clause	113	72
010	Bridges & Simpson, McLachlan	Water Resources & Agriculture Review Committee	Approved 3/10/2023	No Safety Clause	14	106
012	Winter F. & Hinrichsen, Catlin & Froelich	Commercial Motor Carrier Enforcement Safety Laws	Approved 5/12/2023	No Safety Clause; Portions 4/30/2024	179	234
013	Ginal & Cutter, Story	Fire Investigations	Approved 5/12/2023	5/12/2023	173	120
014	Moreno, Lindsay	Disordered Eating Prevention	Approved 5/30/2023	No Safety Clause	274	156
015	Rodriguez & Will, Snyder & Taggart	Vehicle Value Protection Agreement	Approved 3/23/2023	No Safety Clause	36	234

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016	Hansen, McCormick & Sirota	Greenhouse Gas Emission Reduction Measures	Approved 5/11/2023	No Safety Clause	165	156
017	Winter F., Willford & Joseph	Additional Uses Paid Sick Leave	Approved 6/2/2023	No Safety Clause	313	219
019	Kolker & Simpson, Boesenecker & Frizzell	Out-of-state Online Retail Vehicle Purchases	Approved 3/3/2023	3/3/2023	2	275
020	Coleman, Jodeh & Weinberg	Timely Certified Death Certificates	Approved 5/1/2023	No Safety Clause	135	120
023	Rich & Marchman, Holtorf	CPR Training In High Schools	Approved 3/23/2023	No Safety Clause	25	73
025	Baisley, Bird & Soper	In God We Trust Special License Plate	Approved 6/2/2023	No Safety Clause	314	235
028	Gonzales, Epps & Soper	Penalty For Commercial Vehicle Offenses	Approved 6/6/2023	6/6/2023	391	235
029	Moreno, Lindsay	Disproportionate Discipline In Public Schools	Approved 6/2/2023	No Safety Clause	315	73
031	Danielson & Cutter, Titone & Lindsay	Improve Health-care Access For Older Coloradans	Approved 6/5/2023	6/5/2023	344	91
034	Fields & Pelton B., Evans & McLachlan	Definition Of Serious Bodily Injury	Approved 6/2/2023	7/1/2023	316	55
035	Bridges & Moreno, Herod	Middle-income Housing Authority Act	Approved 6/2/2023	6/2/2023	317	109
036	Pelton B. & Cutter, Armagost & Ortiz	Veterans With Disab Prop Tax Exemption Reqmnts	Approved 6/5/2023	Portions on 6/5/2023; portions on 1/1/2024	345	285
037	Cutter, Jodeh & Bradfield	Solicitations Related To SOS Documents	Approved 4/11/2023	No Safety Clause	61	27
039	Buckner, Amabile	Reduce Child & Incarcerated Parent Separation	Approved 5/15/2023	1/1/2024	191	15
040	Fields, Young	Staffing Agency CAPS Checks	Approved 3/10/2023	1/1/2024	13	207

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
044	Ginal & Pelton R., McCormick	Veterinary Ed Loan Repayment Prog	Approved 6/2/2023	No Safety Clause	318	92
046	Winter F., Duran	Average Weekly Wage Paid Leave Benefits	Approved 3/23/2023	3/23/2023	40	219
048	Baisley & Bridges, Amabile & Hamrick	Non-tenured Track Faculty	Approved 3/23/2023	No Safety Clause	26	121
049	Zenzinger & Van Winkle, Snyder & Bockenfeld	Special Mobile Machinery Registration Exemption	Approved 6/2/2023	No Safety Clause	319	235
050	Simpson & Roberts, Holtorf & McCormick	Eligibility For Agricultural Future Loan Program	Approved 3/22/2023	No Safety Clause	24	2
051	Hinrichsen & Sullivan, Ortiz	Conforming Workforce Development Statutes	Approved 3/23/2023	3/23/2023	37	219
052	Hinrichsen, Martinez	Municipal Priority Lien Surviving Treasurer's Deed	Approved 4/3/2023	No Safety Clause	55	115
053	Kirkmeyer & Rodriguez, Woodrow & Evans	Restrict Governmental Nondisclosure Agreements	Approved 6/2/2023	No Safety Clause	320	121
054	Danielson, Garcia & Velasco	Missing & Murdered Indigenous Relatives Office	Approved 6/2/2023	6/2/2023	321	124
056	Kolker, Bird & Weinberg	Compensatory Direct Distribution To PERA	Approved 6/2/2023	6/2/2023	322	124
057	Rich, Taggart	Cnty Treasurer No Longer Ex Officio Dist Treasurer	Approved 4/3/2023	No Safety Clause; 1/1/2024	53	107
058	Danielson & Jaquez Lewis, Willford & Young	Job Application Fairness Act	Approved 6/2/2023	No Safety Clause	323	220
059	Baisley & Roberts, Catlin & McLachlan	State Parks & Wildlife Area Local Access Funding	Approved 5/19/2023	No Safety Clause	223	244
060	Rodriguez & Baisley, Daugherty & Lindsay	Consumer Protection In Event Ticketing Sales	Vetoed 6/6/2023			27
064	Gardner & Ginal, Snyder & Armagost	Continue Office Of Public Guardianship	Approved 5/30/2023	5/30/2023	282	43

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
065	Lundeen & Bridges, Bird & Wilson	Career Development Success Program	Approved 5/16/2023	No Safety Clause	198	74
066	Simpson & Hansen, Bird & Lynch	Advanced Industry Acceleration Programs	Approved 5/17/2023	No Safety Clause	211	125
067	Coleman, Bacon	Participant Facilitated Recidivism Reduction Prog	Approved 6/2/2023	6/2/2023	324	38
068	Pelton R. & Exum, Lukens & Pugliese	Operations Of County Public Hospitals	Approved 4/3/2023	No Safety Clause	54	107
069	Hinrichsen & Will, McLachlan	Requirements To Operate A Motorboat	Approved 5/4/2023	6/1/2024	147	244
070	Kolker & Kirkmeyer, Young & Armagost	Mandatory School Resource Officer Training	Approved 4/27/2023	4/27/2023	116	75
072	Rodriguez, Epps & Soper	Sunset Defense Counsel First Appearance Program	Approved 5/12/2023	No Safety Clause	180	55
073	Van Winkle & Moreno, Michaelson Jenet	Sunset EPIC Advisory Board	Approved 3/23/2023	No Safety Clause	27	125
074	Van Winkle & Ginal, Froelich & Daugherty	Sunset Mod Human Trafficking Prevention Training	Approved 4/28/2023	No Safety Clause	126	125
075	Fields & Exum, Ricks & Titone	Deletion Of Child's Name From Crim Jus Records	Approved 5/23/2023	No Safety Clause	242	126
076	Coleman & Marchman, McLachlan & Vigil	Sunset Continue CO Youth Advisory Council	Approved 6/2/2023	6/2/2023	325	106
077	Hinrichsen, Froelich & Taggart	Restrictions On Broker Engagement Contracts	Approved 4/3/2023	No Safety Clause	50	255
078	Fields & Van Winkle, Jodeh & Lynch	Manufacturer Pay Dealer Motor Vehicle Warranty	Approved 4/3/2023	No Safety Clause	51	275
082	Zenzinger & Kirkmeyer, Amabile & Michaelson Jenet	CO Fostering Success Voucher Program	Approved 6/5/2023	6/5/2023	346	16
083	Winter F. & Simpson, Winter T. & Michaelson Jenet	Physician Assistant Collaboration Requirements	Approved 4/26/2023	No Safety Clause	114	255

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084	Marchman & Gonzales, Young	Full-time Employment For Higher Ed Faculty	Approved 3/23/2023	3/23/2023	28	92
085	Winter F., Hamrick & Story	Sunset Continue Sexual Misconduct Advisory Cmt	Approved 4/28/2023	No Safety Clause	127	93
086	Hansen, Hamrick & Soper	Student Leaders Institute	Approved 4/27/2023	Portions 7/1/2023; Portion 6/30/2023	117	75
087	Marchman & Baisley, Kipp & Wilson	Teacher Degree Apprenticeship Prog	Approved 5/15/2023	No Safety Clause	184	75
088	Pelton B. & Fields, Winter T. & Martinez	Sentence Served Before Parole & Notify Victim	Approved 6/6/2023	6/6/2023	392	55
090	Gardner, Snyder	Uniform Commercial Code 2022 Amendments	Approved 5/1/2023	No Safety Clause	136	28
092	Simpson & Hansen, McCormick & Soper	Agricultural Producers Use Of Agrivoltaics	Approved 5/18/2023	No Safety Clause	218	2
093	Cutter & Jaquez Lewis, Weissman & Brown	Increase Consumer Protections Medical Transactions	Approved 5/4/2023	5/4/2023	152	28
094	Lundeen & Zenzinger, Wilson & Lukens	School Transportation Task Force	Approved 5/16/2023	5/16/2023	203	76
095	Ginal & Gardner, Soper & Daugherty	Unlawfully Aiming Laser Device At Aircraft	Approved 3/23/2023	7/1/2023	29	55
096	Roberts & Lundeen, Amabile & Soper	In-State Tuition Classification Inst Of Higher Ed	Approved 4/11/2023	4/11/2023	62	93
097	Zenzinger & Gardner, Bird & Soper	Motor Vehicle Theft And Unauthorized Use	Approved 6/2/2023	7/1/2023	309	55
099	Zenzinger & Kirkmeyer, Kipp & Frizell	Special Education Funding	Approved 5/15/2023	5/15/2023	188	77
100	Gardner, Snyder	Unif Community Property Disposition At Death Act	Approved 3/23/2023	7/1/2023	30	254

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102	Gardner & Rodriguez, Weissman & Soper	Rule Review Bill	Approved 5/12/2023	5/12/2023	181	1
105	Danielson & Buckner, Gonzales-Gutierrez & Bacon	Ensure Equal Pay For Equal Work	Approved 6/5/2023	No Safety Clause; 1/1/2024	347	221
108	Baisley & Winter F., Pugliese & Frizell	Allowing Temporary Reductions In Property Tax Due	Approved 6/5/2023	No Safety Clause	348	285
110	Marchman & Zenzinger, Kipp & Taggart	Transparency For Metropolitan Districts	Approved 4/3/2023	No Safety Clause	52	117
111	Rodriguez, Woodrow	Public Employees' Workplace Protection	Approved 6/6/2023	No Safety Clause; Portion 7/1/2024	393	109
112	Zenzinger, Bird	Dept of Agriculture Supp	Approved 2/28/2023	2/28/2023	450	9
113	Zenzinger, Bird	Dept of Corrections Supp	Approved 2/28/2023	2/28/2023	451	9
114	Zenzinger, Bird	Dept of Early Childhood Supp	Approved 2/28/2023	2/28/2023	452	9
115	Zenzinger, Bird	Dept of Education Supp	Approved 2/28/2023	2/28/2023	453	9
116	Zenzinger, Bird	Dept of Gov, Lt Gov, & OSPB Supp	Approved 2/28/2023	2/28/2023	454	9
117	Zenzinger, Bird	Dept of Health Care Policy & Financing Supp	Approved 3/3/2023	3/3/2023	455	10
118	Zenzinger, Bird	Dept of Higher Education Supp	Approved 2/28/2023	2/28/2023	456	10
119	Zenzinger, Bird	Dept of Human Services Supp	Approved 3/6/2023	3/6/2023	457	10
120	Zenzinger, Bird	Judicial Department Supp	Approved 2/28/2023	2/28/2023	458	10

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121	Zenzinger, Bird	Dept of Labor & Employment Supp	Approved 2/28/2023	2/28/2023	459	10
122	Zenzinger, Bird	Dept of Law Supp	Approved 2/28/2023	2/28/2023	460	11
123	Zenzinger, Bird	Legislative Department Supp	Approved 2/28/2023	2/28/2023	461	11
124	Zenzinger, Bird	Dept of Local Affairs Supp	Approved 3/3/2023	3/3/2023	462	11
125	Zenzinger, Bird	Dept of Military Affairs Supp	Approved 2/28/2023	2/28/2023	463	11
126	Zenzinger, Bird	Dept of Natural Resources Supp	Approved 2/28/2023	2/28/2023	464	11
127	Zenzinger, Bird	Dept Of Personnel Supp	Approved 2/28/2023	2/28/2023	465	11
128	Zenzinger, Bird	Dept of Public Health & Environment Supp	Approved 2/28/2023	2/28/2023	466	12
129	Zenzinger, Bird	Dept of Public Safety Supp	Approved 2/28/2023	2/28/2023	467	12
130	Zenzinger, Bird	Dept of Regulatory Agencies Supp	Approved 2/28/2023	2/28/2023	468	12
131	Zenzinger, Bird	Dept of Revenue Supp	Approved 2/28/2023	2/28/2023	469	12
132	Zenzinger, Bird	Dept of State Supp	Approved 2/28/2023	2/28/2023	470	12
133	Zenzinger, Bird	Dept of Transportation Supp	Approved 2/28/2023	2/28/2023	471	13
134	Zenzinger, Bird	Dept of Treasury Supp	Approved 2/28/2023	2/28/2023	472	13
135	Zenzinger, Bird	Capital Construction Supp	Approved 2/28/2023	2/28/2023	473	13
136	Zenzinger & Kirkmeyer, Sirota & Bockenfeld	Adjustments To School Funding Fiscal Year 2022-23	Approved 3/3/2023	3/3/2023	3	77

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137	Bridges & Kirkmeyer, Bird & Bockenfeld	Transfer to Colorado Economic Development Fund	Approved 3/6/2023	3/6/2023	10	127
138	Zenzinger & Kirkmeyer, Bird & Sirota	Appropriation To DHCPF For Denver Health	Approved 3/3/2023	3/3/2023	4	189
139	Zenzinger & Kirkmeyer, Sirota & Bockenfeld	State Severance Tax Trust Fund Allocation	Approved 3/6/2023	3/6/2023	11	244
140	Zenzinger & Kirkmeyer, Bird & Bockenfeld	Fentanyl Study Deadline And Appropriation	Approved 3/3/2023	3/3/2023	8	160
141	Bridges & Kirkmeyer, Bird & Bockenfeld	General Fund Transfers For Capital Construction	Approved 3/3/2023	3/3/2023	5	127
142	Bridges & Zenzinger, Sirota & Bockenfeld	Information Tech Project Appropriation Process	Approved 3/3/2023	3/3/2023	7	127
143	Fenberg & Van Winkle, Kipp & Soper	Retail Delivery Fees	Approved 5/4/2023	Portions 7/1/2023; portion on 5/4/2023	153	128
144	Ginal, Mabrey	Prescription Drugs For Chronic Pain	Approved 5/4/2023	5/4/2023	154	256
145	Danielson & Cutter, Story & Titone	Stegosaurus State Fossil License Plate	Approved 5/15/2023	No Safety Clause	238	236
146	Danielson, Lieder & English	Colorado Apprenticeship Directory Information	Approved 4/17/2023	No Safety Clause	71	221
148	Cutter, Lindsay	Illegal Drug Laboratory Property & Certification	Approved 6/2/2023	No Safety Clause	326	160
149	Coleman & Exum, Bacon	Higher Ed Student Financial Aid For Youth Mentors	Approved 6/6/2023	No Safety Clause	388	93
150	Roberts & Will, Froelich & Frizell	Require Labeling Disposable Wipes	Approved 4/11/2023	No Safety Clause	63	161
151	Fields, Jodeh & Ortiz	Sunset Health Equity Commission	Approved 5/16/2023	No Safety Clause	204	161
152	Roberts & Pelton R., Holtorf & Young	Sunset Continue Custom Processing Meat Animals	Approved 4/28/2023	No Safety Clause	128	3

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
153	Rodriguez & Rich, Duran & Pugliese	Sunset Revised Uniform Law On Notarial Acts	Approved 5/17/2023	Portions 5/17/2023; Portions 9/1/2023	212	128
154	Sullivan & Hinrichsen, Parenti & Taggart	Sunset Continue Veterans One-stop Center	Approved 4/28/2023	No Safety Clause	129	232
155	Zenzinger, Willford & Young	Sunset Continue Nursing Home Administrators	Approved 6/2/2023	Portions 6/2/2023; Portions 1/1/2024	327	257
156	Kolker & Liston, Snyder & Marshall	Sunset Private Letter Ruling & Information Letter	Approved 5/1/2023	No Safety Clause	137	275
157	Coleman & Baisley, Martinez & Sharbini	Sunset Offender Reentry And Education Programs	Approved 5/17/2023	No Safety Clause	213	38
159	Hinrichsen & Pelton B., Boesenecker & Lindsay	Sunset CO Food Systems Advisory Council	Approved 6/2/2023	No Safety Clause	328	4
160	Fields & Winter F., Mabrey & Lynch	Sunset Continue Community Crime Victims Grant Prog	Approved 5/17/2023	No Safety Clause	214	161
161	Fenberg & Will, Lynch & McCluskie	Financing To Purchase Firefighting Aircraft	Approved 5/12/2023	5/12/2023	178	129
162	Will & Jaquez Lewis, Lindsay & Titone	Increase Access To Pharmacy Services	Approved 5/4/2023	No Safety Clause	148	257
163	Will & Mullica, Jodeh & Lynch	CPW Officers Classified As State Troopers	Approved 6/6/2023	6/6/2023	386	129
164	Gonzales & Gardner, Bacon & Weissman	Sunset Process Sex Offender Management Board	Approved 6/5/2023	6/5/2023	349	56
165	Sullivan & Danielson, Ricks	Sunset Div Of Racing & Racing Commission	Approved 6/2/2023	No Safety Clause	329	276
166	Cutter & Exum, Froelich & Velasco	Establishment Of A Wildfire Resiliency Code Board	Approved 5/12/2023	5/12/2023	174	129

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
167	Winter F. & Will, Gonzales-Gutierrez	Board Of Nursing Regulate Certified Midwives	Approved 5/25/2023	Portions 5/25/2023; Portions 7/1/2024	261	258
168	Jaquez Lewis & Kolker, Mabrey & Parenti	Gun Violence Victims' Access To Judicial System	Approved 4/28/2023	10/1/2023	122	43
169	Mullica & Danielson, Duran & Hamrick	Increasing Minimum Age To Purchase Firearms	Approved 4/28/2023	No Safety Clause	123	57
170	Sullivan & Fenberg, Bacon & Weissman	Extreme Risk Protection Order Petitions	Approved 4/28/2023	4/28/2023	124	44
172	Winter F. & Gonzales, Weissman & Bacon	Protecting Opportunities & Workers' Rights Act	Approved 6/6/2023	No Safety Clause	389	130
173	Fields & Liston, Bradley & Joseph	Colorado Child Support Commission Recommendations	Approved 6/2/2023	Portions on passage; portions 7/1/2023, 8/1/2023, 9/1/2023, and 7/1/2024	330	16
174	Kolker & Gardner, Lukens & Winter T.	Access To Certain Behavioral Health Services	Approved 5/20/2023	No Safety Clause	232	190
175	Jaquez Lewis & Rich, Boesenecker & Taggart	Financing Of Downtown Development Auth Projects	Approved 6/2/2023	No Safety Clause	331	115
176	Moreno & Cutter, deGruy Kennedy	Protections For People With An Eating Disorder	Approved 5/30/2023	Portions 5/30/2023; portions 1/1/2024 and 7/1/2024	275	29
177	Roberts & Simpson, McCormick & Catlin	2023 CWCB Water Projects Appropriations	Approved 6/5/2023	6/5/2023	383	308

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
178	Jaquez Lewis & Will, McCormick & Lindsay	Water-wise Landscaping In HOA Communities	Approved 5/17/2023	No Safety Clause	207	262
179	Moreno & Will, Hartsook & Daugherty	Dental Plans Medical Loss Ratio	Approved 6/2/2023	No Safety Clause	332	209
180	Cutter & Baisley, Titone & Weinberg	Restore Current Pay Periods For State Employees	Approved 5/1/2023	No Safety Clause	138	132
182	Zenzinger & Kirkmeyer, Bird & Pugliese	Temporary Suspension Of Medicaid Requirements	Approved 4/27/2023	4/27/2023	118	190
183	Priola & Baisley, Titone & Weinberg	Local Gov Provision Of Communications Services	Approved 5/1/2023	5/1/2023	139	110
184	Winter F., Froelich & Garcia	Protections For Residential Tenants	Approved 6/6/2023	No Safety Clause	402	262
185	Marchman & Pelton R., Lukens & Catlin	Sunset Noxious Weed Advisory Committee	Approved 5/1/2023	No Safety Clause	140	4
186	Pelton R. & Winter F., Winter T. & Willford	Oil & Gas Commn Study Methane Seepage Raton Basin	Approved 6/2/2023	No Safety Clause	333	245
187	Winter F. & Rodriguez, Froelich & Bacon	PUC Administrative Fee Setting Transp Services	Approved 5/18/2023	5/18/2023	220	268
188	Gonzales & Jaquez Lewis, Froelich & Titone	Protections For Accessing Reproductive Health Care	Approved 4/14/2023	4/14/2023	68	162
189	Moreno & Cutter, Michaelson Jenet & Garcia	Increasing Access To Reproductive Health Care	Approved 4/14/2023	4/14/2023	69	165
190	Winter F. & Marchman, McCormick & Epps	Deceptive Trade Practice Pregnancy-related Service	Approved 4/14/2023	4/14/2023	70	258
191	Cutter, Joseph & Kipp	CDPHE Organics Diversion Study	Approved 5/17/2023	5/17/2023	208	166
192	Priola & Roberts, Kipp & McLachlan	Sunset Pesticide Applicators' Act	Approved 6/5/2023	No Safety Clause	350	5
193	Fields, Weissman	Victim Notification Of Proceedings	Approved 6/2/2023	No Safety Clause	307	38
195	Winter F. & Will, Jodeh & Pugliese	Calculation Of Contributions To Meet Cost Sharing	Approved 6/5/2023	No Safety Clause	351	209

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
196	Winter F., Young	Income Tax Credit Retrofitting Home Health	Approved 5/30/2023	No Safety Clause	280	285
197	Moreno & Fenberg, Duran & Lynch	FY 2023-24 Legislative Appropriation Bill	Approved 4/17/2023	4/17/2023	449	13
198	Winter F. & Cutter, Weissman & Lindstedt	Clean Energy Plans	Approved 6/5/2023	6/5/2023	352	167
199	Hinrichsen & Van Winkle, Lindstedt & Weinberg	Marijuana License Applications and Renewals	Approved 6/5/2023	No Safety Clause	353	276
200	Winter F., Froelich & Herod	Automated Vehicle Identification Systems	Approved 6/5/2023	Portions 6/5/2023; Portion 6/1/2024	354	236
202	Danielson & Jaquez Lewis, McLachlan & Velasco	Wearing Of Native American Traditional Regalia	Approved 5/4/2023	5/4/2023	149	77
203	Fields, Soper	Authorize DOC Inspector Gen To Apprehend Fugitives	Approved 6/5/2023	No Safety Clause	355	39
204	Pelton B., Pugliese	Correct Erroneous Property Tax Exemption End Date	Approved 5/12/2023	No Safety Clause	182	285
205	Bridges & Lundeen, Martinez & Wilson	Universal High School Scholarship Program	Approved 5/16/2023	No Safety Clause	200	132
206	Winter F., Michaelson Jenet & Sirota	Disclose Radon Information Residential Property	Approved 6/5/2023	No Safety Clause	356	263
208	Ginal & Pelton B., Epps	Correction Tax Statute Cross References	Approved 6/5/2023	No Safety Clause	357	286
209	Ginal & Rich, Taggart	Remove Erroneous Date From CLIMBER Act	Approved 5/24/2023	No Safety Clause	250	133
210	Exum, Ricks & Frizell	Update Administration Of Certain Human Services	Approved 5/24/2023	5/24/2023	251	17
211	Danielson & Moreno, McLachlan & Velasco	Federal Indian Child Welfare Act Of 1978	Approved 5/4/2023	5/4/2023	150	18
212	Danielson, Parenti & McCormick	US Navy Seabees License Plate	Approved 6/5/2023	No Safety Clause	358	238

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
214	Zenzinger, Bird	2023-24 Long Bill	Approved 5/1/2023	5/1/2023	474	13
215	Zenzinger & Kirkmeyer, Sirota & Bockenfeld	State Employee Reserve Fund Gen Fund Transfer	Approved 4/17/2023	4/17/2023	72	133
216	Bridges & Zenzinger, Sirota & Bockenfeld	Colorado Universal Preschool Program Funding	Approved 4/20/2023	No Safety Clause	94	68
217	Bridges & Zenzinger, Bird & Sirota	Separating Fees In Records & Reports Cash Fund	Approved 4/20/2023	4/20/2023	95	18
218	Zenzinger & Kirkmeyer, Bird & Bockenfeld	Repeal School Transformation Grant Prog Admin Cap	Approved 4/17/2023	4/17/2023	73	78
219	Zenzinger & Kirkmeyer, Bird & Sirota	Supports To Students & Facility Schools	Approved 4/20/2023	4/20/2023	88	78
220	Zenzinger & Kirkmeyer, Bird & Sirota	Public School Capital Constr Assistance Grants	Approved 5/12/2023	Portions 5/12/2023; portions 9/1/2023; portions 7/1/2024	183	79
221	Bridges & Zenzinger, Bird & Sirota	Healthy School Meals For All Program Fund	Approved 4/20/2023	4/20/2023	89	80
222	Bridges & Kirkmeyer, Bird & Sirota	Medicaid Pharmacy & Outpatient Services Copayment	Approved 4/20/2023	4/20/2023	90	190
223	Zenzinger & Kirkmeyer, Bird & Bockenfeld	Medicaid Provider Rate Review Process	Approved 4/17/2023	4/17/2023	74	191
224	Zenzinger & Kirkmeyer, Sirota & Bockenfeld	CO Commn Policies Postgraduate Student Exch Prog	Approved 4/17/2023	No Safety Clause	75	94
225	Zenzinger & Kirkmeyer, Bird & Sirota	Specialty Ed CSU Medical School Partnership	Approved 4/17/2023	4/17/2023	76	94
226	Bridges & Kirkmeyer, Sirota & Bockenfeld	Extending Transitional Jobs Program	Approved 4/20/2023	No Safety Clause	91	207
227	Zenzinger & Kirkmeyer, Bird & Sirota	State Agency Attorney Hourly Rate	Approved 4/17/2023	No Safety Clause	77	44

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
228	Bridges & Kirkmeyer, Bird & Bockenfeld	Office Of Admin Serv For Indep Agencies	Approved 4/20/2023	4/20/2023	96	45
229	Bridges & Kirkmeyer, Sirota & Bockenfeld	Statewide Behavioral Health Court Liaison Office	Approved 4/27/2023	4/27/2023	119	45
230	Bridges & Kirkmeyer, Sirota & Bockenfeld	County Assistance For 23rd Judicial District	Approved 4/17/2023	4/17/2023	78	46
231	Bridges & Zenzinger, Sirota & Bockenfeld	Amend Fund To Allow Payment Overdue Wage Claims	Approved 4/17/2023	4/17/2023	79	222
232	Zenzinger & Kirkmeyer, Bird & Sirota	Unempl Ins Premiums Allocation Fed Law Compliance	Approved 5/1/2023	5/1/2023	141	222
233	Zenzinger & Kirkmeyer, Sirota & Bockenfeld	Employment Services Funded By Wagner-Peyser Act	Approved 4/17/2023	No Safety Clause	80	223
234	Bridges & Kirkmeyer, Bird & Sirota	State Employee Insurance Premiums	Became Law 4/24/2023	4/24/2023	104	134
235	Zenzinger & Kirkmeyer, Bird & Bockenfeld	DOL Funds For Unanticipated State Legal Needs	Approved 4/20/2023	4/20/2023	97	134
236	Bridges & Kirkmeyer, Sirota & Bockenfeld	Electric Vehicle Service Equipment Fund	Approved 4/17/2023	4/17/2023	81	232
237	Kirkmeyer & Bridges, Bockenfeld & Bird	Transfer To Water Plan Implementation Cash Fund	Approved 4/20/2023	4/20/2023	98	309
238	Zenzinger & Kirkmeyer, Sirota & Bockenfeld	Small Communities Water and Wastewater Grant Fund	Approved 4/25/2023	4/25/2023	106	170
239	Zenzinger & Kirkmeyer, Bird & Bockenfeld	Hazardous Site Response Fund Transfer	Approved 4/17/2023	4/17/2023	82	171
240	Bridges & Kirkmeyer, Bird & Bockenfeld	CDPHE Dairy Plant Fees	Approved 4/25/2023	7/01/2023	109	171
241	Bridges & Kirkmeyer, Bird & Bockenfeld	Creation Of Office Of School Safety	Approved 4/27/2023	4/27/2023	120	134
242	Zenzinger & Kirkmeyer, Sirota & Bockenfeld	Community Corrections Financial Audit	Approved 4/17/2023	No Safety Clause	83	39
243	Zenzinger & Kirkmeyer, Bird & Bockenfeld	Gen Fund Transfers To Capital Construction Fund	Approved 4/20/2023	4/20/2023	99	135

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
244	Bridges & Zenzinger, Bird & Sirota	Technology Accessibility Cleanup	Approved 4/20/2023	4/20/2023	100	136
245	Bridges & Zenzinger, Bird & Sirota	Transfer To Revenue Loss Restoration Cash Fund	Approved 4/20/2023	4/20/2023	101	136
246	Zenzinger & Kirkmeyer, Sirota & Bird	State Emergency Reserve	Approved 4/20/2023	4/20/2023	102	136
247	Gonzales, Soper	Division Of Civil Protections And Rights In DOL	Approved 6/5/2023	No Safety Clause	359	137
248	Rodriguez & Liston, Mabrey & Weinberg	AG Regulated Consumer Credit Transactions	Approved 6/5/2023	No Safety Clause	360	29
249	Bridges & Van Winkle, McLachlan & Evans	False Reporting Of Emergency	Approved 6/7/2023	6/7/2023	418	58
250	Mullica & Kirkmeyer, Bird & Catlin	Transfer From Severance Tax Operations Cash Fund	Approved 4/28/2023	4/28/2023	130	137
251	Roberts & Rich, Daugherty & Pugliese	Revoke Driver's License Appeal Attorney General	Approved 6/5/2023	No Safety Clause	361	238
252	Van Winkle & Gonzales, Daugherty & Hartsook	Medical Price Transparency	Approved 6/2/2023	No Safety Clause	305	191
253	Cutter, Froelich & McCormick	Standards For Products Represented As Compostable	Approved 5/17/2023	No Safety Clause	209	171
254	Fields & Gonzales, Epps & Weissman	Search Warrant Procedures	Approved 6/6/2023	6/6/2023	395	58
255	Roberts & Will, McCluskie & Catlin	Wolf Depredation Compensation Fund	Approved 5/23/2023	5/23/2023	248	245
256	Will & Roberts, Lukens & Soper	Management Of Gray Wolves Reintroduction	Vetoed 5/16/2023			246
257	Bridges & Gardner, Titone & Bockenfeld	Auto Theft Prevention Cash Fund	Approved 6/2/2023	6/2/2023	310	238
258	Buckner & Lundeen, Michaelson Jenet & Bradfield	Consolidate CO Educator Prog In CDE	Approved 6/2/2023	No Safety Clause	334	80

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
259	Roberts & Baisley, Weinberg & Snyder	Extension Of Credit For Limited Gaming	Vetoed 5/23/2023			276
260	Mullica & Winter F., Lindsay & Willford	Individual Access To Publicly Funded Vaccines	Approved 5/10/2023	5/10/2023	161	172
261	Danielson & Exum, Duran & Willford	Direct Care Workforce Stabilization Board	Approved 6/5/2023	No Safety Clause	362	223
263	Priola, Velasco	Gen Fund Loan Natural Disaster Mitigation Enter	Approved 6/6/2023	6/6/2023	396	137
264	Rodriguez & Gardner, Lynch & McCluskie	Alcohol Beverage Festival Participation	Approved 5/17/2023	6/1/2023	215	277
265	Van Winkle, Snyder	Prohibit Professional Discipline For Marijuana	Approved 5/24/2023	5/24/2023	252	258
266	Priola & Jaquez Lewis, Brown & Kipp	Neonic Pesticides As Limited-use Pesticides	Approved 5/17/2023	No Safety Clause	210	6
267	Van Winkle & Cutter, Titone & Bradley	Chatfield State Park Water Quality Fee	Approved 6/6/2023	No Safety Clause	397	246
268	Mullica & Kirkmeyer, Bird & Bockenfeld	Ten-year Transportation Plan Information	Approved 6/6/2023	No Safety Clause; 9/1/2023	398	304
269	Buckner & Rich, Lukens & Bradfield	Colorado Preschool Program Provider Bonus Payments	Approved 6/2/2023	6/2/2023	336	68
270	Roberts & Simpson, McCormick & Catlin	Projects To Restore Natural Stream Systems	Approved 6/5/2023	No Safety Clause	384	247
271	Roberts & Van Winkle, deGruy Kennedy & Snyder	Intoxicating Cannabinoid Hemp & Marijuana	Approved 6/7/2023	6/7/2023	444	173
272	Moreno, McCluskie	Joint Leg Committee Meeting Disaster Declaration	Approved 6/6/2023	6/6/2023	403	137
273	Marchman, Boesenecker	Agricultural Land In Urban Renewal Areas	Vetoed 5/23/2023			6

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
274	Winter F., Dickson & Lindstedt	Water Quality Control Fee-setting By Rule	Approved 5/17/2023	Portions 5/17/2023; portions 7/1/2026	216	175
275	Ginal & Will, Duran & Lynch	Colorado Wild Horse Project	Approved 5/20/2023	5/20/2023	226	247
276	Fenberg, Sirota	Modifications To Laws Regarding Elections	Approved 6/6/2023	Portions 6/6/2023; portions 1/1/2024; portions 7/1/2024	399	100
277	Buckner & Van Winkle, Valdez	Public Safety Programs Extended Uses	Approved 6/7/2023	6/7/2023	443	138
278	Simpson & Mullica, Lindsay & Story	Allocation For Art In Public Places For 2022-23 FY	Approved 6/6/2023	6/6/2023	400	138
279	Fields & Hansen, Boesenecker & Joseph	Unserialized Firearms & Firearm Components	Approved 6/2/2023	Portions 6/2/2023; portions 1/1/2024	311	59
280	Mullica, Snyder	Hazardous Material Mitigation	Approved 6/6/2023	No Safety Clause	404	224
281	Zenzinger, McLachlan	Limited Transferability Of College Credits Notice	Approved 6/6/2023	No Safety Clause	405	94
282	Gardner & Gonzales, Weissman & Soper	Jury Appreciation Day	Approved 5/24/2023	No Safety Clause	253	46
283	Zenzinger & Bridges, Bird & Sirota	Mechanisms For Federal Infra Funding	Approved 5/22/2023	5/22/2023	240	139
284	Bridges & Danielson, Jodeh & Weinberg	Ensure 12-month Contraception Coverage	Approved 5/30/2023	No Safety Clause	276	210
285	Priola & Hansen, McCormick & Dickson	Energy & Carbon Management Regulation In Colorado	Approved 5/22/2023	7/1/2023	235	248

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
286	Hansen, Snyder & Soper	Access To Government Records	Approved 6/6/2023	No Safety Clause	406	139
287	Zenzinger & Lundeen, McLachlan & Kipp	Public School Finance	Approved 5/15/2023	5/15/2023	189	81
288	Fields & Buckner, English & Joseph	Coverage For Doula Services	Approved 5/30/2023	5/30/2023	279	191
289	Bridges & Zenzinger, Bird & Sirota	Community First Choice Medicaid Benefit	Approved 5/25/2023	Portions 5/25/2023; portions 7/1/2025	270	192
290	Fenberg, Amabile	Natural Medicine Regulation And Legalization	Approved 5/23/2023	7/1/2023	249	277
291	Fenberg & Cutter, deGruy Kennedy & Martinez	Utility Regulation	Approved 5/11/2023	No Safety Clause	163	268
292	Hansen & Fenberg, Duran & Bird	Labor Reqmnts For Energy Sector Construction	Approved 5/23/2023	No Safety Clause; 1/1/2024	247	140
293	Coleman & Fields, Herod	Use Of Student Athlete's Name Image Or Likeness	Approved 6/6/2023	No Safety Clause	407	95
294	Zenzinger & Kirkmeyer, Bird & Bockenfeld	Increase Gen Fund Transfers To Cap Constr Fund	Approved 6/6/2023	6/6/2023	408	143
295	Roberts & Will, McCluskie & Catlin	Colorado River Drought Task Force	Approved 5/20/2023	5/20/2023	230	309
296	Winter F. & Marchman, Bacon	Prevent Harassment & Discrimination In Schools	Approved 6/6/2023	No Safety Clause	390	83
297	Zenzinger & Pelton R., McLachlan & Catlin	America 250 Colorado 150 Commission	Approved 6/6/2023	6/6/2023	409	143
298	Gardner & Roberts, McCormick & Bockenfeld	Allow Public Hospital Collaboration Agreements	Approved 6/3/2023	No Safety Clause	343	176
299	Cutter, Titone & Bradley	Epinephrine Auto-injectors At Inst Of Higher Ed	Approved 6/6/2023	6/6/2023	410	95

BILL NO.	PRIME SPONSOR	BILL TOPIC	GOVERNOR'S ACTION	EFFECTIVE DATE	SESSION LAWS CHAPTER	PAGE
302	Pelton B. & Hinrichsen, Ortiz & Hartsook	Colorado Veterans' Service-to-career Program	Approved 6/6/2023	No Safety Clause	411	225
303	Fenberg & Hansen, deGruy Kennedy & Weissman	Reduce Prop Taxes & Voter-approved Revenue Change	Approved 5/24/2023	Portions 5/24/2023; Ballot measure	258	286
304	Hansen & Fenberg, Marshall & Bird	Property Tax Valuation	Approved 5/24/2023	No Safety Clause	259	287
306	Moreno & Simpson, Valdez & Lindsay	Buildings In The Capitol Complex	Approved 6/6/2023	6/6/2023	412	143

ADMINISTRATIVE RULE REVIEW

S.B. 23-102 Continuation of 2022 rules of executive agencies. Based on the findings and recommendations of the committee on legal services, the act extends all state agency rules that were adopted or amended on or after November 1, 2021, and before November 1, 2022, with the exception of the following rules listed in the act:

- The rule of the administrator of the "Uniform Consumer Credit Code" and commission on consumer credit concerning the "Colorado Student Loan Equity Act"; and
- The rules of various regulatory bodies in the department of regulatory agencies concerning prohibiting a regulator from taking adverse action against a regulated professional relating to the consumption, possession, cultivation, and processing of marijuana.

Those specified rules will expire as scheduled in the "State Administrative Procedure Act" on May 15, 2023, on the grounds that the rules conflict with statute.

APPROVED by Governor May 12, 2023

EFFECTIVE May 12, 2023

AGRICULTURE

S.B. 23-50 Agricultural future loan program - expansion of eligibility - extension of program indefinitely. The act expands the scope of the Colorado agricultural future loan program by amending the following definitions as follows:

- Includes in the definition of "eligible business" entities that will be in operation in the near future;
- Includes in the definition of "eligible farmer or rancher" farmers and ranchers that will own or operate a farm or ranch; and
- Includes in the definition of "farm-to-market infrastructure loan" the development or manufacturing of technology designed to benefit farmers and ranchers.

The act also removes the repeal of the loan program.

APPROVED by Governor March 22, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-92 Agrioltaics - agricultural drought and climate resilience office project grants - property tax exemption - floatovoltaics - Colorado water conservation board study - agricultural greenhouse gas reduction and carbon sequestration study - appropriation. In support of the use of agrioltaics, which is the integration of solar energy generation facilities with agricultural activities, the act authorizes the agricultural drought and climate resilience office (office) to award grants for new or ongoing demonstration or research projects that demonstrate or study the use of agrioltaics.

The Colorado water conservation board (board), in consultation with the state engineer, the Colorado energy office, and the Colorado water institute, is required to study the feasibility of using floatovoltaics, which are solar energy generation facilities placed over, near, or floating on irrigation canals or reservoirs. On or before January 1, 2025, the board shall submit a written report of its findings and conclusions from the study to the legislative committees of reference with jurisdiction over agricultural matters.

The director of the division of parks and wildlife is required to consult on the impacts on wildlife of:

- Any research projects for which the office awards money to study the use of agrioltaics; and
- A project that the board finances to study the feasibility of using floatovoltaics in the state.

The act exempts certain agrioltaic equipment from property taxation if the equipment is used in the required manner and amends the statutory definition of "solar energy facility", used in determining the valuation of public utilities for property tax purposes, to include agrioltaics and floatovoltaics.

The act requires the commissioner of agriculture (commissioner) to study greenhouse gas reduction and carbon sequestration opportunities in the agricultural sector, including soil health management practices, the use of dry digesters, and the potential for creating and offering a certified greenhouse gas offset program and credit instruments in the agricultural sector. To perform the study, the commission must consult with the Colorado energy office, the air quality control commission, the natural and working lands task force, the Colorado state forest service, and an institution of higher education with expertise in climate change mitigation, adaptation benefits, and other environmental benefits related to agricultural research. On or before October 1, 2024, the commissioner shall submit to the general assembly a progress report on the study and, on or before October 1, 2025, a final report, which must include any legislative and regulatory recommendations.

The commissioner, in consultation with the Colorado energy office and the air quality control commission, may adopt rules to implement recommendations from the study that do not require legislative changes. Any greenhouse gas offset program or other greenhouse gas reduction and carbon sequestration program or mechanism that the commissioner establishes in rule must not mandate participation by agricultural producers.

The act appropriates \$611,870 for the 2023-24 state fiscal year from the general fund to the department of agriculture for use by the commissioner's office and administrative services, with \$500,000 of the money appropriated for agrivoltaic project grants.

APPROVED by Governor May 18, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-152 Custom processing of meat animals act - sunset process - continue for 9 years. The act implements the recommendations of the department of regulatory agencies, as contained in the department's 2022 sunset review of the "Custom Processing of Meat Animals Act", by:

- Continuing the act for 9 years, to September 2032;
- Repealing obsolete provisions that concern the use of a stakeholder process to develop poultry labeling requirements;
- Consolidating statutory provisions imposing civil penalties for a violation into one provision;
- Standardizing criminal penalties by reducing the penalty for a violation of the act or a rule promulgated under the act from a class 2 misdemeanor with a fine of \$750 and up to 364 days imprisonment to a petty offense, which is up to a \$300 fine or 10 days in jail; and
- Directing that civil penalties be credited to the general fund.

APPROVED by Governor April 28, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-159 Colorado state university - Colorado food systems advisory council - continuation under sunset law - appointments by members of general assembly - new duties - annual report - appropriation. The act extends the Colorado food systems advisory council (council) established within Colorado state university until September 1, 2026.

The act adds a representative of a food bank as a member of the council. The act changes how 16 members of the council are appointed, requiring that the governor or the governor's designee appoint 5 members and that the speaker of the house of representatives, the minority leader of the house of representatives, the president of the senate, and the minority leader of the senate appoint 12 members on a rotating basis as new positions or vacancies arise.

The act creates new duties for the council, including:

- Examining best practices to advance or improve food distribution systems and develop new markets for Colorado agricultural producers; and
- Conducting research and providing support at the request of the governor, members of the general assembly, or any state agency in connection with the council's purpose and duties.

The act requires the council to include a summary of the council's activities from the prior year and a summary of the council's planned activities for the upcoming year in council's annual report to specified legislative committees. The council must also accept and consider public comment regarding the annual report.

The act repeals the council's authority to engage in any other activity not specified in statute that the council determines is necessary to accomplish the council's purposes.

For the 2023-24 state fiscal year, the act appropriates \$151,068 from the general fund to the department of higher education for limited fee-for-service contracts with state institutions, which amount is reappropriated for use by the board of governors of the Colorado state university system for the food systems advisory council.

APPROVED by Governor June 2, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-185 Noxious weed advisory committee - sunset continuation. The act implements the recommendation of the department of regulatory agencies in its sunset review and report on the state noxious weed advisory committee. The act continues the noxious weed advisory committee until September 1, 2034.

APPROVED by Governor May 1, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-192 Pesticide applicators regulation - sunset continuation - pesticide-sensitive persons registry - civil penalty - online complaint process - advisory committee members' terms. The act implements some of the recommendations of the department of regulatory agencies, as contained in the department's sunset review of the "Pesticide Applicators' Act", and makes additional modifications to the "Pesticide Applicators' Act as follows:

- Sections 1 and 2 of the act continue the "Pesticide Applicators' Act" for 11 years, until September 1, 2034;
- Section 3 updates the statutory definition of "use" to align with the federal definition adopted by the federal environmental protection agency;
- The commissioner of agriculture (commissioner) maintains a registry of pesticide-sensitive persons (registry) whose residences are listed in the registry. If a commercial, registered limited commercial, or registered public applicator (applicator) applies a pesticide near the residence of a pesticide-sensitive person included in the registry, the applicator is required to take reasonable actions to notify the pesticide-sensitive person of the pesticide application. Section 4 authorizes a pesticide-sensitive person to apply for inclusion of the person's primary work or school address in the registry as well. In addition, section 4 authorizes an applicator to provide electronic notice to pesticide-sensitive persons.
- Section 4 also requires that, on or before July 1, 2024, the department of agriculture (department) develop a searchable database of all properties that abut or are entirely located within 250 feet of a residential property listed on the registry for applicators to search. If an applicator will apply pesticides on a property included in the searchable database, the applicator is required to notify the relevant pesticide-sensitive person of the pesticide application.
- Section 5 increases the maximum civil penalty for a violation of the act from \$1,000 to \$2,500 for the first violation, which results in the possibility of a maximum civil penalty of \$5,000 for a second violation;
- Section 6 requires that money collected for civil penalties imposed under the "Pesticide Applicators' Act" be credited to the general fund;
- Section 7 requires the commissioner to publish and periodically update information on the department's website about pesticide applicators' licensing and registration;
- Section 8 requires the commissioner to establish an online complaint process;
- Section 9 limits the number of terms that members of the advisory committee, appointed by the state agricultural commission to advise the commissioner, may serve to 2 terms, but allows a member representing the Colorado state university agricultural experiment station or extension service (CSU) or the Colorado department of public health and environment (CDPHE) to serve on the advisory committee for unlimited terms during the duration of the member's employment with CSU or CDPHE; and
- Sections 10 to 12 amends statutes governing local governments to mirror the language in the "Pesticide Applicators' Act" requiring a local government that adopts an ordinance about pesticides to submit information about the ordinance to the commissioner.

Section 13 appropriates \$72,150 for the 2023-24 state fiscal year from the plant health, pest

control, and environmental protection cash fund to the department, which money is reappropriated to the office of information technology in the office of the governor to provide information technology services to the department.

APPROVED by Governor June 5, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-266 Commissioner - pesticide regulation - rules designating neonicotinoid pesticides as limited-use pesticides - exemptions. The act requires that, on or before January 1, 2024, the commissioner of agriculture adopt rules requiring neonicotinoid pesticides to be designated as limited-use pesticides and authorizing only licensed dealers to sell them. Products containing neonicotinoid active ingredients used in academic research are exempted from the limited-use pesticide designation, as are the following products that contain neonicotinoid active ingredients and for which the product label includes an intended use as:

- A pet care product;
- A veterinary product;
- An indoor pest control product;
- A personal care product used for preventing, destroying, repelling, or mitigating lice;
- A product used in structural insulation;
- A preserved wood product or product used in the manufacturing of wood preservatives;
- A bait product; or
- An insect strip.

APPROVED by Governor May 17, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-273 Local government - urban renewal - urban renewal area - agricultural land. Currently, an urban renewal area cannot contain agricultural land unless the land falls within certain exceptions. One exception for including agricultural land is if the land was included in an approved urban renewal plan prior to June 1, 2010.

The act updates the exception to specify that agricultural land may be included in an urban renewal area if the agricultural land is in an existing urban renewal plan that was originally approved or modified to include the agricultural land prior to June 1, 2010, and if the land still remains in that same urban renewal plan.

VETOED by Governor May 23, 2023

H.B. 23-1094 Department of agriculture - agricultural workforce development program. The act extends the duration of internships under the agricultural workforce development program from up

to 6 months to up to one year. The act also extends the repeal date of the program by 5 years, to July 1, 2029.

APPROVED by Governor April 25, 2023

EFFECTIVE April 25, 2023

H.B. 23-1179 Agricultural products inspection cash fund - reserve limit. Colorado law limits the amount of uncommitted money that may remain in a cash fund at the end of a state fiscal year to 16.5% of the amount spent during the fiscal year. The act exempts the agricultural products inspection cash fund from the 16.5% uncommitted balance limit and instead imposes a limit of 50% of the amount spent from the fund during the fiscal year.

APPROVED by Governor April 20, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1264 Livestock health act - commissioner of agriculture's authority - inspection, testing, and quarantine - condemnation and destruction - appraisal - health certificates. Current law authorizes the inspection, testing, quarantine, condemnation, and destruction of livestock when there is an outbreak of an infectious or contagious disease. The act:

- Removes the requirement that the inspection, testing, and quarantine of livestock occur pursuant to rules promulgated by the commissioner of agriculture (commissioner); and
- Changes the appraisal process that is required before livestock may be condemned and destroyed.

The act gives the commissioner the authority to investigate all buildings, yards, pens, pastures, and other areas in which any animals are kept, handled, or transported to ensure compliance with the "Livestock Health Act". The commissioner may:

- Administer oaths and take statements;
- Issue administrative subpoenas requiring the attendance of witnesses and the production of all books, memoranda, papers, and other documents, articles, or instruments; and
- Compel the disclosure by witnesses of all facts known to them that are relevant to the matters under investigation.

Under current law, it is an unlawful act to alter or falsify a health certificate issued for the import of livestock into the state. The act makes it an unlawful act to alter or falsify a health certificate issued for the export of livestock out of the state.

APPROVED by Governor May 18, 2023

EFFECTIVE May 18, 2023

AIRCRAFT AND AIRPORTS

H.B. 23-1156 Aeronautics - airports - public airport authorities. The Public Airport Authority Law authorizes a county or a municipality, or a combination of counties and municipalities, to create an airport authority to operate an airport located within the county or municipality or the combination of counties and municipalities. The act modernizes the Public Airport Authority Law by:

- Clarifying the extent of the power of a county, a municipality, or a combination of counties and municipalities, to terminate an airport authority. The act requires a terminating county, municipality, or combination to assume the terminated authority's outstanding financial and contractual obligations, maintain the airport that the airport authority previously operated, and receive and hold title to the land on which the airport is located.
- Specifying that members of an airport authority's board of commissioners (board) do not receive compensation for their services, are local government officials, and are subject to the statutory ethics and conflict of interest provisions that apply to local government officials;
- Clarifying that a member of a board who was appointed to fill a vacancy may be appointed to serve a successive term, and that board meetings are subject to statutory open meetings requirements;
- Changing the requirement that 60% of board members be present for a quorum to 50%;
- Clarifying that the majority vote of all members of a board is required for questions involving the inclusion in or exclusion from an airport authority of a municipality or county and for authorizing an expenditure greater than \$250,000;
- Modifying the process by which a board procures contracts, including updating the process for a board to award a contract to the lowest bidder after soliciting an invitation for bids and clarifying that the process to award a contract to the lowest bidder applies only to capital improvement projects and the purchase of new vehicles and equipment;
- Clarifying an airport authority's powers to remove hazards and encroachments, impose fees on airport users to defray the cost of operating an airport, and regulate commercial activities conducted at an airport;
- Clarifying that an airport authority must follow local zoning regulations when erecting structures within an airport authority and that an airport authority may invest surplus money in a local government investment pool;
- Allowing an airport authority to request that a county or municipality within which the airport authority is located levy a tax for the airport authority's benefit or modify or adopt certain local zoning regulations; and
- Clarifying that tenants or users of an airport that an airport authority operates are not entitled to any of the tax exemptions that apply to airport authorities.

APPROVED by Governor April 10, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

APPROPRIATIONS

S.B. 23-112 Supplemental appropriations - department of agriculture. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of agriculture. The general fund and cash funds portions of the appropriation are increased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-113 Supplemental appropriations - department of corrections. The 2022 general appropriations act is amended to balance and make adjustments to the total amount appropriated to the department of corrections. The general fund and cash funds portions of the appropriation were increased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-114 Supplemental appropriations - department of early childhood. The 2022 general appropriations act is amended to balance and make adjustments to the total amount appropriated to the department of early childhood. The general fund portion of the appropriation is increased.

House Bill 22-1295, concerning the department of early childhood and universal preschool program, is amended to balance and make adjustments to the amount appropriated to the department of early childhood. The general fund portion of the appropriation is decreased and the cash funds and reappropriated funds are increased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-115 Supplemental appropriations - the department of education. The 2022 general appropriations act is amended to balance and make adjustments to the total amount appropriated to the department of education. The general fund and cash funds of the appropriation are increased and the reappropriated funds is decreased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-116 Supplemental appropriations - offices of the governor, lieutenant governor, and state planning and budgeting. The 2022 general appropriations act is amended to balance and make adjustments to the total amount appropriated to the department to the offices of the governor, lieutenant governor, and state planning and budgeting. The general fund and the reappropriated funds portion of the appropriation are increased.

Amends House Bill 21-1289, concerning broadband deployment, to decrease the appropriation to the office of the governor for use by the office of information technology for use by the Colorado broadband office.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-117 Supplemental appropriations - department of health care policy and financing. The 2022 general appropriations act is amended to balance and make adjustments to the total amount appropriated to the department of health care policy and financing. The general fund, cash funds, and reappropriated funds of the appropriation are decreased and the federal funds are increased.

A new appropriation to the department for overexpenditures of line item appropriations in the 2021 long bill is made.

House Bill 22-1295, concerning department early childhood and universal preschool program, is amended to decrease the amount appropriated to the department for use by the executive director's office, transfers to/from other departments and it is subject to the (M) notation defined in the general appropriation act. The amount the department will receive in federal funds is increased.

APPROVED by Governor March 3, 2023

EFFECTIVE March 3, 2023

S.B. 23-118 Supplemental appropriations - department of higher education. The 2022 general appropriations act is amended to balance and make adjustments to the total amount appropriated to the department of higher education. The general fund and the reappropriated funds portions of the appropriation are decreased and the cash funds portion is increased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-119 Supplemental appropriations - department of human services. The 2022 general appropriations act is amended to balance and make adjustments to the total amount appropriated to the department of human services. The general fund, cash funds, reappropriated funds, and federal funds portions of the appropriation are increased.

House Bill 22-1278 is amended to adjust the amount appropriated to the department of human services for use by the executive director's office.

APPROVED by Governor March 6, 2023

EFFECTIVE March 6, 2023

S.B. 23-120 Supplemental appropriations - judicial department. The 2022 general appropriations act is amended to balance and make adjustments to the total amount appropriated to the judicial department. The general fund and cash funds portions are increased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-121 Supplemental appropriations - department of labor and employment. The 2022 general appropriations acts is amended to balance and make adjustments to the total amounts appropriated to the department of labor and employment. The general fund, cash funds, reappropriated, and federal funds portions of the appropriation are decreased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-122 Supplemental appropriation - department of law. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of law. The general fund, cash funds, and reappropriated funds portions of the appropriation are decreased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-123 Supplemental appropriation - department of legislature. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of legislature. The general fund portion of the appropriation is decreased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-124 Supplemental appropriations - department of local affairs. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of local affairs. The general fund, cash funds, reappropriated funds, and federal funds portions of the appropriation are increased.

APPROVED by Governor March 3, 2023

EFFECTIVE March 3, 2023

S.B. 23-125 Supplemental appropriations - department of military and veterans affairs. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of military and veterans affairs. The general fund portion of the appropriation is increased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-126 Supplemental appropriations - department of natural resources. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of natural resources. The general fund, cash funds, reappropriated funds, and federal funds portions of the appropriation are increased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-127 Supplemental appropriations - department of personnel. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of personnel. The general fund, cash funds, and reappropriated funds portions of the appropriation are increased.

The 2021 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of personnel. The reappropriated funds portion of the appropriation is increased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-128 Supplemental appropriations - department of public health and environment. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of public health and environment. The general fund and cash funds portions of the appropriation are increased and the reappropriated funds portion is decreased.

An appropriation made in House Bill 22-1358, concerning measures to eliminate the presence of lead in the drinking water of certain facilities where children are present, is amended to further appropriate the amount appropriated from the general fund portion for the 2023-24 fiscal year for the same purpose.

An appropriation made in House Bill 22-1358, concerning measures to eliminate the presence of lead in the drinking water of certain facilities where children are present, is amended to further appropriate the amount appropriated from the reappropriated funds portion for the 2025-26 fiscal year for the same purpose.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-129 Supplemental appropriations - department of public safety. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of public safety. The general fund, cash funds, and federal funds portions of the appropriation are increased and the reappropriated funds portion is decreased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-130 Supplemental appropriations - department of regulatory agencies. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of regulatory agencies. The general fund and cash funds portions of the appropriation are increased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-131 Supplemental appropriations - department of revenue. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of revenue. The general fund portion of the appropriation is decreased and cash funds portion is increased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-132 Supplemental appropriations - department of state. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of state. The cash funds portion of the appropriation is decreased.

Supplemental appropriations are made to the department of state.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-133 Supplemental appropriations - department of transportation. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of transportation. The cash funds portion of the appropriation is decreased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-134 Supplemental appropriations - department of the treasury. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated to the department of the treasury. The general fund and cash funds portions of the appropriation are increased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-135 Supplemental appropriations - capital construction projects. The 2022 general appropriations act is amended to balance and make adjustments to the total amounts appropriated for capital construction projects. The capital construction fund and cash funds portions of the appropriation are increased.

The 2019 general appropriations act is amended to add one new footnote to allow appropriations made to capital construction, controlled maintenance, department of military and veterans affairs, upgrade restrooms for code compliance, and Longmont readiness center to remain available until completion of the project or the close of the 2022-23 state fiscal year, whichever comes first. Another new footnote was added to allow appropriations made to capital construction, capital renewal and recapitalization, department of public health and environment, replace mechanical system, and laboratory building (capital renewal) to remain available until completion of the project or the close of the close of the 2024-25 state fiscal year, whichever comes first.

The 2021 general appropriations act is amended to balance and make adjustments to the total amount appropriated for capital construction projects. The cash funds portion of the appropriation is increased.

APPROVED by Governor February 28, 2023

EFFECTIVE February 28, 2023

S.B. 23-197 Legislative appropriation - 2023-24 state fiscal year - legislative department expenses. The act appropriates \$67,254,584 to the legislative department for the payment of expenses in the 2023-24 state fiscal year. Of this amount, \$65,524,678 is from the general fund, \$90,000 is from cash funds, and \$1,639,906 is from reappropriated funds.

APPROVED by Governor April 17, 2023

EFFECTIVE April 17, 2023

S.B. 23-214 General appropriation act - 2023 long bill. For the fiscal year beginning July 1, 2023, provides for the payment of expenses of the executive, legislative, and judicial departments of the state of Colorado, and of its agencies and institutions. The grand total for the operating budget is set at \$40,533,777,133. The general funds portion of the appropriation is set at \$11,207,009,905; the general fund exempt portion is set at \$3,489,095,143; the cash funds portion is set at \$10,504,822,476; the reappropriated funds portion is set at \$2,603,239,303; and federal funds portion

is set at \$12,729,610,306.

The grand total for the state fiscal year beginning July 1, 2023, for capital construction projects is set at \$471,149,105. The capital construction fund portion is set at \$256,358,189; the cash funds portion is set at \$212,411,819; and the federal funds portion is set at \$2,379,097.

The grand total for the state fiscal year beginning July 1, 2023, for information technology projects is set at \$124,261,834. The capital construction fund portion is set at \$64,890,922; the cash funds portion is set at \$8,184,071; the reappropriated funds portion is set at \$996,386; and the federal funds portion is set at \$50,190,455.

The 2022 general appropriation act is amended to balance and make adjustments to the total amount appropriated to the judicial department and the departments of corrections, early childhood, education, health care policy and financing, higher education, human services, judicial department, and public health and environment.

Appropriations were made in several bills during the 2022 legislative session as further amended to extend the appropriation for unexpended amounts to the 2023-24 fiscal year.

APPROVED by Governor May 1, 2023

EFFECTIVE May 1, 2023

CHILDREN AND DOMESTIC MATTERS

S.B. 23-39 Incarcerated parents - reduce family separation - report - appropriations. The act requires the department of human services to promulgate rules that facilitate communication and family time between children and their parents who are incarcerated.

The act requires the court to appoint counsel for a respondent parent who is incarcerated, unless the court determines the respondent is able to financially secure counsel or chooses to proceed without counsel.

The act requires the court and the prison or jail where the parent is incarcerated to facilitate the parent's attendance and participation in proceedings for the parent's dependency and neglect case.

Under current law, after an order of adjudication in a dependency and neglect case, the court holds a dispositional hearing. The act requires, except in instances when the proposed disposition is termination of the parent-child legal relationship, if a child's parent is incarcerated, that the county department of human services include information in the report that details the services and treatment available to a parent at the facility or jail where the parent is incarcerated.

Under current law, the court may terminate the parent-child legal relationship based on statutorily created circumstances. The act eliminates the parent's incarceration and related conditions as a basis for terminating the parent-child relationship.

Under current law, if the court finds that there is not a substantial probability that the child will be returned to a parent or legal guardian within 6 months and the child satisfies criteria for adoption, the court may require the county department of human services to show cause why it should not file a motion to terminate the parent-child legal relationship. The act states that such cause may exist if the parent is incarcerated, detained by the United States department of homeland security, or deported and has maintained a meaningful and safe relationship with the child while incarcerated, detained, or deported. If a child's parent is incarcerated and the parent has maintained a meaningful and safe relationship with the child while incarcerated, the court shall make findings regarding whether a permanent placement for the child exists that permits the parent to maintain a relationship with the child, including guardianship or allocation of parental responsibilities, giving primary consideration to the child's mental, physical, and emotional needs.

The act requires the department of corrections to:

- Develop opportunities and promulgate policies to facilitate continued relationships between children and their parents who are incarcerated;
- Designate a family services coordinator, who is responsible for duties related to children and their parents who are incarcerated; and
- Create and submit an annual report to the judiciary committees of the senate and house of representatives concerning parents who are incarcerated, and make the report publicly available.

The act requires each sheriff to designate one individual responsible for communicating between the jail and county department of human services concerning children subject to an open dependency and neglect case whose parents are incarcerated in the jail.

For the 2023-24 state fiscal year, the act appropriates:

- \$31,110 to the department of corrections from the general fund;
- \$15,111 to the department of human services from the general fund, and assumes the department of human services will receive \$4,481 in federal funds; and
- \$7,425 to the judicial department from the general fund for use by the trial courts.

APPROVED by Governor May 15, 2023

EFFECTIVE January 1, 2024

S.B. 23-82 Foster youth - housing vouchers and case management services - appropriation. The act establishes the Colorado fostering success voucher program (program) in the department of human services (DHS). The purpose of the program is to provide housing vouchers and case management services to eligible youth.

Case management service agencies are eligible to participate in the program if they are currently participating in a certain type of foster youth program.

Eligibility criteria for youth include:

- Being at least 18 years of age but less than 26 years of age;
- Having had prior experience in one of several ways with the foster care or kinship care system;
- Experiencing homelessness or being at imminent risk of homelessness and agreeing to receive case management services;
- Being a Colorado resident; and
- Having an income level below that determined by the state department of local affairs (DOLA).

DHS and DOLA shall develop a joint administration and implementation plan for the program. Availability, standards, and services for the program are listed in the act.

For the 2023-24 state fiscal year, \$2,674,677 is appropriated from the general fund to the department of human services for use by the division of child welfare. The division may use this appropriation for preventing youth homelessness and implementation of this act. For the 2023-24 state fiscal year, the general assembly anticipates that the department of human services will receive \$22,096 in federal funds for use by the division of child welfare to implement this act.

APPROVED by Governor June 5, 2023

EFFECTIVE June 5, 2023

S.B. 23-173 Child support - commission - court advisement - court-ordered modifications - medical information and expenses - civil fine for fraud. The act addresses recommendations from the state child support commission (commission), including the following:

- Requires that parents share a child's health insurance coverage information with each other;
- Provides a time frame for parents to seek reimbursement for extraordinary medical expenses, including mental health expenses;

- Requires a court to provide a verbal and written advisement to parents and caretakers and information to parents about child support law when the court enters or modifies a child support order;
- Requires a \$100 civil infraction fine for the issuance of a fraudulent income withholding order and authorizes a court to issue a judgment against an employer that willfully refuses to comply with an income withholding order for child support;
- Excludes funeral or burial expenses from life insurance settlements relating to past-due child support and requires burial costs to be covered;
- Changes the income adjustment for maintenance to reflect existing maintenance calculation and accounts for tax-deductibility for some maintenance payments;
- Changes the survivability of an administrative process action to include retroactive support, unpaid support, and monthly support owed to the nonparent caretaker;
- Enables a court to order retroactive support through the month the child support obligation begins and provide continuity of retroactive support for orders that have future commencement dates;
- Modifies the number of hours parents are expected to work for the imputation of income to 32 hours a week and 50 weeks a year and includes transportation as a barrier the court must consider if imputation of income is appropriate;
- Requires appointment of 2 parent obligors and 2 parent obligees to the commission; and
- Requires the commission, as part of its review, to evaluate its internal policies and efficiency.

APPROVED by Governor June 2, 2023

PORTIONS EFFECTIVE June 2, 2023
PORTIONS EFFECTIVE July 1, 2023
PORTIONS EFFECTIVE August 1, 2023
PORTIONS EFFECTIVE September 1, 2023
PORTIONS EFFECTIVE July 1, 2024

S.B. 23-210 Administrative entities - elimination of youth services community boards and child dependency and neglect citizen review panels. Section 1 of the act repeals the statute that:

- Creates in each region of the division of youth services a community board to promote transparency and community involvement in division of youth services' facilities within the region, provide opportunities for youth to build positive relationships with adult role models, and promote youth involvement within the community; and
- Specifies the number, manner of appointment, and required qualifications of community board members and meeting requirements for a community board.

Section 2 modifies the process for the resolution of grievances filed against county departments of human and social services (county department) concerning the conduct of county department personnel in the performance of their duties relating to children who may be neglected or dependent by:

- Repealing the requirement that a citizen review panel be created consisting of citizens who are representative of the community, have demonstrable personal or professional knowledge and experience with children, and are not employees or agents of the department of human services (state department) or any county department;

- Requiring referral of grievances that are currently referred to a citizen review panel to instead be referred to the office of the child protection ombudsman (child ombudsman) for review;
- Repealing grievance review processes and requirements relating to citizen review panels;
- Requiring each county department to post information about the grievance process on its public website or otherwise provide information concerning the grievance process to individuals involved in the county child welfare system; and
- Clarifying that the grievance resolution process allows a person who wishes to file a grievance to do so directly to the child ombudsman.

Section 3 specifies that if fewer than all the 17 members of the law enforcement community services grant program committee created in the division of local government of the department of local affairs (department) provided for by statute are appointed as of June 30, 2023, the executive director of the department shall determine the number of members of the committee; except that the committee must consist of at least 9 members.

Sections 4 through 14 clarify existing provisions relating to compensation and reimbursement of expenses for members of specific boards and commissions that focus on functions related to human and social services.

APPROVED by Governor May 24, 2023

EFFECTIVE May 24, 2023

S.B. 23-211 Indian Child Welfare Act - adopted as state law. The act adopts federal regulations concerning the "Indian Child Welfare Act of 1978" as state law so that Colorado will continue to ensure that Indian children are protected in cases of guardianship and adoption.

APPROVED by Governor May 4, 2023

EFFECTIVE May 4, 2023

S.B. 23-217 Records and reports cash fund - fee for background checks for child abuse or neglect. Current law authorizes the department of human services to establish and collect a fee for background checks for child abuse or neglect (background checks). That fee then is required to cover the direct and indirect costs of the background check and the direct and indirect costs of administering the appeals process and release of information for a person who is found to be responsible in a confirmed report of child abuse or neglect (appeals processes). The act eliminates the requirement that the fee for background checks cover the direct and indirect costs associated with the appeals processes.

APPROVED by Governor April 20, 2023

EFFECTIVE April 20, 2023

H.B. 23-1012 Juvenile competency to proceed - evaluation and services - appropriation. The act addresses issues related to a determination of juvenile competency to proceed (competency) and restoration of competency (restoration). The act allows:

- The district attorney, defense attorney, guardian ad litem, department of human services, a competency evaluator, a restoration treatment provider, and the court, without written consent of the juvenile or further order of the court, to access competency evaluations and restoration evaluations, including all second evaluations;

- information and documents related to competency evaluations; the competency evaluator, for the purpose of discussing the competency evaluation; and the providers of court-ordered restoration services for the purpose of discussing such services;
- Parties to exchange names, addresses, reports, and statements of physicians or psychologists who examined or treated the juvenile for competency;
- The court or any party to raise, at any time, the issue of a need for a restoration evaluation of the juvenile's competency; and
- A juvenile to be examined by a competency evaluator of the juvenile's own choice and to request a second evaluation in response to a court-ordered competency evaluation or a court-ordered restoration evaluation.

If the court determines that the juvenile is incompetent to proceed and unlikely to be restored to competency in the reasonably foreseeable future, a time frame is set forth for the dismissal of charges based on the severity and type of charge.

For the 2023-24 state fiscal year, \$120,000 is appropriated to the judicial department from the general fund. The judicial department may use this appropriation for mandated costs for the office of the state public offender and the office of the alternate defense counsel.

APPROVED by Governor June 5, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1024 Out-of-home placement - placement with relative or kin - best interests of the child or youth - guidelines for placement - appeals - who may intervene - appropriation. The act establishes several measures that protect the best interests of a child or youth and that will not hinder reunification with the child's or youth's family when the child or youth has been temporarily placed outside the family home with a relative or kin (relative), including:

- Permitting a relative to appeal when denied placement of the child or youth with the relative;
- Requiring the department of human services (department), to use reasonable efforts to help a relative whose barrier to caring for the child or youth is a lack of resources;
- Amending the court's advisement to the parent so it is consistent with changes to statute;
- Specifying what information should be included in a notice to relatives when the child or youth has been removed from the child's or youth's home;
- Requiring that courts give preference to a relative unless placement with that relative would negatively affect the child's or youth's mental, physical, or emotional needs, or hinder reunification with the child's or youth's family;
- Providing options for a relative to be allowed to participate in a child's or youth's care and planning;
- Creating a rebuttable presumption that placement with a relative is in the child's or youth's best interest. The presumption may be rebutted by a preponderance of the evidence, giving primary consideration to the child's or youth's mental, physical, and emotional needs, including the child's or youth's preference regarding placement.
- Requiring that caseworkers inform the court of efforts to identify and place a child or youth with a relative.

Foster parents who have the child or youth in their care for 12 months or more may intervene,

as a matter of right, with or without counsel, following adjudication. The purpose of intervention is to provide knowledge or information concerning the care and protection of the child or youth, including the child's or youth's mental, physical, and emotional needs.

For the 2023-24 state fiscal year:

- \$13,879 is appropriated to the department of human services from the general fund for use by the division of child welfare for Colorado TRAILS for the implementation of this act; and
- The general assembly anticipates that the department of human services will receive \$7,473 in federal funds for use by the division of child welfare to assist in the implementation of this act.

APPROVED by Governor June 5, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1026 Grandparent or great-grandparent family time - best interests of a child - legal representative of a child. Current law allows a grandparent or great-grandparent to seek a court order granting the grandparent or great-grandparent the right to visit grandchildren or great-grandchildren when there is or has been a child custody case or a case concerning the allocation of parental responsibilities relating to that child. The act allows a court to appoint a child's legal representative to represent the child's best interests in a matter seeking to grant grandparents or great-grandparents family time (family time) with grandchildren or great-grandchildren.

The act clarifies that in determining the best interests of a child for the purpose of family time, the court shall presume that any parental determination regarding family time is in the best interests of the child. A grandparent or great-grandparent may overcome the presumption by proving through clear and convincing evidence that the family time is in the child's best interests.

The act changes the term "visitation rights" to "grandparent or great-grandparent family time".

APPROVED by Governor May 23, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1027 Dependency and neglect proceedings - visitation - task force on high quality family time - appropriation. The act defines "family time," changes the term "visitation" to "family time" in various places in statute, creates new requirements for dependency and neglect court proceedings, and requires the task force on high-quality family time (task force) to commission and evaluate a state study on family time.

On and after January 1, 2024, the act:

- Requires county departments of human or social services (county departments) to encourage maximum family time;
- Allows the court and the state department of human services (department) to rely on community resources, foster parents, or relatives to provide transportation or

- supervision for family time;
- Creates a presumption that supervised family time is supervised by relatives, kin, foster parents, or other supports (supports) and occurs in the community. This presumption can be rebutted if the health or safety of the child is at risk or if these supports are unavailable or unwilling to provide supervision.
- Limits the court's ability to restrict or deny family time to situations in which the child's safety or mental, physical, or emotional health is at risk;
- Requires the court to order family time in the least restrictive setting;
- Requires county departments to provide information to the court about proposed family time and participation in family time;
- Prohibits the court or county departments from limiting family time as a sanction for a parent's failure to comply with court-ordered treatment plans so long as the child's safety or mental, physical, or emotional health is not at risk;
- Prohibits the court, county departments, parents, or supports from limiting family time as a sanction for the child's behavior or as an incentive to improve the child's behavior;
- Requires the court and county departments to consider parents' and childrens' preferences when determining supervision, location, and timing of family time;
- States that a person's inclusion in family time does not confer rights not otherwise granted by law; and
- Gives the state board of human services the authority to promulgate rules to implement the provisions.

The act appropriates \$142,000 from the general fund to the judicial department for use by the office of the respondent parents' counsel for personal services and \$13,879 from the general fund to the department for use by the division of child welfare for Colorado TRAILS. The act also anticipates an appropriation of \$7,473 in federal funds for use by the division of child welfare.

APPROVED by Governor June 1, 2023

PORTIONS EFFECTIVE June 1, 2023
PORTIONS EFFECTIVE January 1, 2024

H.B. 23-1042 Juvenile custodial interrogations - statements or admissions obtained - admissibility as evidence - training - appropriation. The act makes any statement or admission obtained during a juvenile custodial interrogation by a law enforcement official or agent who knowingly communicated any untruthful information or belief to the juvenile to be presumptively inadmissible against the juvenile at trial, unless the prosecution, in an evidentiary hearing prior to trial, proves by a preponderance of the evidence and based on the totality of the circumstances that the statement or admission was made voluntarily, despite the untruthful information or belief used to obtain the statement or admission or that the law enforcement official agent in good faith reasonably believed the information or belief was true at the time it was used. In assessing the totality of the circumstances, the court shall consider all evidence presented concerning the juvenile's vulnerability to any untruthful information or belief used during the custodial interrogation.

The act requires law enforcement officials or agents to electronically record all juvenile custodial interrogations. Law enforcement agencies are encouraged to adopt and follow national model policies that are included in P.O.S.T. rules concerning law-enforcement-conducted interrogations involving a juvenile.

The act directs the P.O.S.T. board to develop a live, virtual, training program for peace officers on the enforcement of laws related to custodial interrogation of juveniles to ensure uniform

interpretation of the law. The state shall cover any local law enforcement agency costs associated with the training.

For the 2023-24 state fiscal year, \$37,500 is appropriated to the department of law from the P.O.S.T. board cash fund for peace officers standards and training board support.

APPROVED by Governor May 18, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1043 Placements with relative or kin - procedures - fingerprint-based criminal history record check - rules. The act clarifies the procedures for emergency and nonemergency continuing placement of a child or youth that a county department of human or social services (county department) or a local law enforcement agency (law enforcement) with custody of the child or youth shall follow before making the emergency or nonemergency continuing placement of a child or youth with a relative or kin.

For emergency placements, the county department or law enforcement shall perform an initial criminal history record check (initial check) on the relative or kin and any adult who resides at the home (adults) using Colorado and federal databases. If the initial check reveals certain criminal convictions, the county department or law enforcement shall not place the child or youth in that home on an emergency basis. If the initial check does not reflect certain criminal convictions on the part of the adults, the child or youth may be placed in the home on an emergency basis.

If the child or youth has been placed with a relative or kin on an emergency basis, the adults shall, no more than 14 days after the placement, submit a complete set of fingerprints to the county department or another designated third party to conduct a state and national fingerprint-based criminal history record check. If the results of the fingerprint-based criminal history record check reveal a felony conviction, the child or youth must be immediately removed from the placement unless there is a motion regarding placement pending before the court. A court may review the placement and affirm or deny placement of the child or youth with the relative or kin.

The act sets forth the criminal offenses or other matters that qualify for the denial of placement of a child or youth with the relative or kin.

A county department may make a placement with a relative or kin who would otherwise be disqualified if such placement conforms with rules promulgated by the state board of human services or if a court affirms the placement.

The state board of human services is granted authority to promulgate rules concerning emergency and nonemergency, continuing placement of children and youth with relatives or kin.

APPROVED by Governor March 17, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1145 Juveniles in adult facilities - timelines while awaiting trial. The act aligns the timelines for hearings in Colorado law for a juvenile already ordered to be held in an adult facility

while awaiting trial with the timelines in the federal "Juvenile Justice and Delinquency Prevention Act".

APPROVED by Governor March 23, 2023

EFFECTIVE March 23, 2023

H.B. 23-1157 Child custody - unlawful transfer of child custody. The act enacts the "Uniform Unregulated Child Custody Transfer Act" (act), drafted by the uniform law commission.

The act applies to the parent, guardian, or custodian of a child, or an individual with whom a child has been placed for adoption, who wishes to terminate the parent-child relationship and is not transferring custody to family or friends. The act prohibits soliciting or advertising to transfer custody or transferring custody of a child by means other than a legal adoption or guardianship proceeding, a judicial award of custody, other judicial or tribal action, or Colorado's safe haven law.

The act applies to the placement for adoption of a child who has been or is in foster care or institutional care, has previously been adopted, or is in the process of being adopted. The act requires child placement agencies facilitating an adoption to:

- Provide prospective adoptive parents with general information about adopting children, specific information about the prospective adoptee, and guidance and instruction on meeting the needs of the adoptee; and
- Upon the request of a child placed for adoption or the child's adoptive parents, provide information on accessing certain post-placement and post-adoption support services to the adoptee and parent to help preserve the adoption.

APPROVED by Governor April 17, 2023

EFFECTIVE April 17, 2023

H.B. 23-1172 Juvenile court jurisdiction - parental responsibilities - dependency and neglect - name change publication. The act provides juvenile courts jurisdiction to enter permanent allocations of parental responsibilities, without requiring a full court determination of a child as dependent or neglected as to each parent, in certain circumstances.

Juvenile courts are granted concurrent jurisdiction to district and county courts to order name changes for children or youth who appear in dependency and neglect and foster youth in transition cases. The requirement to give public notice of name changes through publication for a child or youth determined by the court to be dependent or neglected or subject to a continued dependency or neglect case is eliminated.

APPROVED by Governor April 12, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1223 Target communities with high rates of youth violence, suicide, and delinquency factors - task force to establish shared goals, objectives and guidelines to prioritize grant money - membership - reports - appropriation. The act creates a task force (task force) to establish shared goals, objectives, and guidelines for entities to utilize in prioritizing new and existing grant money to achieve maximum impact to reduce youth violence, suicide, and delinquency risk factors. The task

force shall identify 3 target communities with the highest rates of youth violence, suicide, and delinquency risk factors. Beginning July 1, 2025, the task force shall create shared goals, objectives, and guidelines for governmental and community-based organizations to prioritize the use of new and existing state grant money, as well as help community-based organizations reduce youth violence, suicide, and delinquency risk factors in the target communities by using the shared goals, objectives, and guidelines when working in intervention, prevention, and tracking statistics. Membership in the task force is outlined.

The task force shall make a preliminary "SMART Act" report in January 2024 followed by a final report in January 2025.

For the 2023-24 state fiscal year, \$92,447 is appropriated from the general fund to the department of public health and environment for use by the prevention services division. The division may use this appropriation for the grant prioritization task force related to administration.

APPROVED by Governor June 7, 2023

EFFECTIVE June 7, 2023

H.B. 23-1249 Local collaborative management programs - reporting - appropriations. The act requires that the department of human services (department) add to its report information on the number of youth who at the time they received services from the county department of human or social services (county department) or were placed in out-of-home placement by a county department had an open delinquency case in a district court, were on juvenile probation, or had a juvenile deferred sentence.

The act repeals the requirement to created performance measures for local collaborative management programs.

The act requires a local collaborative management program to create one or more individualized service and support teams which may refer a child to services and establish a service and support plan for a child in need of services. The act requires the department to create an information form to be used by certain agencies and individuals to refer a child to a local collaborative management program for services. The act delineates who has access to the records created by an individualized service and support team.

The act requires the department to include strategies for children who would benefit from integrated multi-agency services in its training for counties participating in a local collaborative management program.

The act requires each interagency oversight group to add to its report to the executive director of each department and agency that is a party to a memorandum of understanding certain demographic, status, and referral information on children and families served and referred to services through a local collaborative management program.

On July 1, 2023 and annually thereafter, the act requires the general assembly to appropriate money to the collaborative management cash fund (fund) to serve children who would benefit from integrated multi-agency services. Beginning July 1, 2024, the act requires the executive director of the department to provide an annual sum to each local collaborative management program to provide services to children who would benefit from integrated multi-agency services based on a funding

formula that takes into account the amount of available funds, the need for a base of resources to direct a child and family members to appropriate services, and the number of children in the population to be served.

On or before July 1, 2024, a local collaborative management program and each July 1 thereafter, the act requires the district attorney of each judicial district to submit a report to the house of representatives judiciary committee and the senate judiciary committee that includes information on children who are offered an opportunity to participate in a diversion program.

The act appropriates \$2,257,411 from the general fund to the department for use by the division of child welfare. From this appropriation, \$257,411 must be used for collaborative management program administration and evaluation and \$2,000,000 must be used to assist interested counties that do not already operate a local collaborative management program with establishing a local collaborative management program or joining an existing local collaborative management program.

The act further appropriates \$1,165,039 from the general fund to the fund for use by the division of child welfare for distribution to existing local collaborative management programs.

APPROVED by Governor June 1, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1278 Marriage and civil union licenses - remote procedures. Under current law, a county clerk and recorder may permit the parties to a proposed marriage or civil union to satisfy the requirement to appear before the county clerk and recorder by interactive audiovisual communication technology or online functionality for the purpose of satisfying certain requirements for a marriage license or civil union license. This authority repeals on December 31, 2023. The act extends the authority indefinitely.

Under current law, a county clerk and recorder who permits parties to a proposed marriage or civil union to satisfy certain requirements without appearing in person and staff members who carry out duties of the county clerk and recorder shall complete training developed by the human trafficking council concerning human trafficking in Colorado. The act requires this training to be completed at least once every year.

APPROVED by Governor June 1, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1307 Juvenile justice - services for youth who are detained or eligible for placement - funding - temporary emergency detention beds - guardians ad litem - appropriation. The act requires the general assembly to annually appropriate \$3,340,119 to the department of human services (department) for services for youth who are detained or can be placed in lieu of detention. Of the money, the department shall:

- Allocate \$200,000 to judicial districts for services for detained youth and supports for youth moving from detention to treatment or other placements;
- Use \$1,780,137 to incentivize and remove barriers for licensed providers to serve

- youth who may be placed in community residential facilities or family-like settings in lieu of detention; and
- Use \$1,359,982 of the money for temporary emergency detention beds for juveniles.

Existing law limits the number of juvenile detention beds available for juveniles statewide, which are allocated to catchment areas. The act establishes 22 temporary emergency detention beds that may be used, pursuant to a court order, when there are no available beds in a judicial district's catchment area. The act establishes the process for a court to order the use of a temporary emergency detention bed. Temporary emergency detention beds do not count toward the statewide juvenile detention bed limit. If a juvenile detention bed within a judicial district's allocation becomes available, the act requires a juvenile utilizing a temporary bed to revert to the nonemergency detention bed.

A court is required to appoint, at a juvenile's detention hearing, a guardian ad litem for each detained juvenile. The appointment terminates upon the release of the juvenile from detention unless the court finds a basis for continuing appointment pursuant to other state law.

The act requires the working group for criteria for placement of juvenile offenders, known as the CYDC working group, to review data collected by the division of youth services annually rather than every 2 years.

The department is required to collect statewide data about:

- Youth eligible for release from a detention facility without an additional court order if services or placements are available for the youth;
- The use of temporary emergency detention beds; and
- Youth released from detention solely because the number of youth detained statewide exceeds the statewide detention bed cap.

The act requires the department to annually report the statewide data to the CYDC working group, the house of representatives and senate judiciary committees, the house of representatives public and behavioral health and human services committee, and the senate health and human services committee, or any successor committees.

The act requires the CYDC working group to conduct a study to determine the best method to collect and report data and information concerning youth released from detention because a detention bed was unavailable.

For fiscal year 2023-24, the act appropriates \$3,340,119 from the general fund to the department. The department may use the appropriation as follows: \$1,174,816 for use by the division of youth services (DYS) for program administration related to institutional programs; \$11,792 for use by DYS for medical services related to institutional programs; \$300,816 for use by DYS for certain programs related to community programs; \$1,780,137 for use by the division of child welfare for community provider incentives; and \$72,558 for use by the division of child welfare for Colorado's statewide automated child welfare information system (TRAILS). The act also appropriates \$463,000 from the general fund to the judicial department for use by the office of the child's representative for court-appointed counsel.

APPROVED by Governor June 7, 2023

EFFECTIVE June 7, 2023

CONSUMER AND COMMERCIAL TRANSACTIONS

S.B. 23-37 Colorado consumer protection act - solicitations related to the secretary of state - required disclosures - prohibited acts - unfair or deceptive trade practice. The act requires a person who solicits a fee for filing a document with, or retrieving a public record from, the secretary of state to include specific disclosure language in the solicitation. The person must also include information on where the document can be filed directly with the secretary of state, or where the public record can be retrieved, and the name and physical address of the person who is soliciting.

The act also prohibits the use of any form, deadline dates, or other language that makes the document used for solicitation appear to be issued by a state agency or local government or that appears to impose a legal duty on the person being solicited.

Violation of these requirements is an unfair or deceptive trade practice.

APPROVED by Governor April 11, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-60 Consumer protection - deceptive trade practice - event ticket sales and resale - online event ticket sales. The act amends consumer protection law regarding ticket sales and resales for events, including adding and amending defined terms.

The act allows an operator to restrict the resale of tickets to events that are initially offered as part of a charitable event for a charitable purpose. The act requires an operator, primary ticket seller, reseller, or ticket resale marketplace to refund a ticket to the purchaser in certain instances, such as when an event is cancelled. The act prohibits an operator, primary ticket seller, or rights holder from revoking tickets merely because those tickets have been resold through a reseller or ticket resale marketplace; however, an operator may still revoke or restrict tickets for a violation of venue policies, to protect the safety of patrons, or to address fraud or misconduct.

The act specifies that a person engages in deceptive trade practices when, in the course of the person's business, vocation, or occupation, the person:

- Uses computer software or systems that run automated tasks to purchase tickets to events or to circumvent or disable ticket limitation and security measures;
- Displays trademarked, copyrighted, or substantially similar web designs, URLs, or other images and symbols without the consent of the trademark or copyright holder, operator, or rights holder;
- Sells a ticket to an event without disclosing the total cost of the ticket, including the cost of any service charge or other fees that must be paid, or displays service charges and fees less prominently than the total price of the ticket;
- Increases the price of a ticket once the ticket has been selected for purchase, with the exception of adding delivery fees; or
- Advertises, offers for sale, or contracts for the resale of a ticket unless the person has possession or constructive possession of the ticket and the person has an agreement with the rights holder.

The act also specifies civil penalties that may be imposed for deceptive trade practices or violations of the consumer protection statute.

VETOED by Governor June 6, 2023

S.B. 23-90 Uniform commercial code - definitions related to emerging technologies - secured transactions - controllable electronic records - transition. The act incorporates the 2022 amendments to the "Uniform Commercial Code" (UCC), drafted by the Uniform Law Commission.

The 2022 amendments update the UCC to account for emerging technologies by:

- Amending the definitions of "conspicuous", "send", and "sign";
- Adding the definition of "electronic"; and
- Changing current references to "writing" or "written" to refer instead to a "record".

The 2022 amendments update the provisions of the UCC related to secured transactions by:

- Addressing security interests and rights to payment related to controllable electronic records;
- Specifying how to perfect security interests in controllable accounts and controllable payment intangibles;
- Updating the definition of "chattel paper" to distinguish between a right to payment and the record evidencing the right to payment;
- Creating a new definition of "assignee" and "assignor".

The act creates a new article within the UCC that governs controllable electronic records, including the transfer of property rights in certain intangible digital assets that have been or may be created and may involve the use of new technologies.

The act provides guidance for which laws apply during the transition from the current UCC to the UCC as amended by the act.

APPROVED by Governor May 1, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-93 Medical debt - statutory cap of 3% per annum - validation of debt - payment plans - collection of debt - deceptive trade practice - self-pay estimates. The act:

- Caps the rate of interest on medical debt at 3% per annum;
- Defines "medical debt", for purposes of a statutory cap on interest rates and fair debt collection practices, to include medical debt arising from the receipt of health-care services or medical products or devices, excluding debt charged to a credit card;
- Upon the consumer's written request, requires a debt collector or collection agency collecting on medical debt to cease collection on the medical debt until the debt collector or collection agency provides to the consumer an itemized statement concerning the medical debt and allows the consumer to dispute the validity of the medical debt;
- Establishes requirements relating to payment plans for medical debt, including

written documentation of the payment plan between the consumer and the debt collector or debt collection agency; notice to the consumer if the payment plan will be accelerated or declared in default or inoperative due to nonpayment; and the opportunity to renegotiate the payment plan;

- Prohibits a debt collector or collection agency, during an internal or external review or other appeal of a health insurance decision, from collecting on the medical debt, reporting the medical debt to a consumer reporting agency, or selling the medical debt to a debt buyer;
- Requires a creditor, debt collector, or collection agency that files a legal action to collect medical debt to include the identity of the original creditor, an itemization of the charges and, prior to the entry of a default judgment against the creditor, provide evidence of the medical debt;
- Makes it a deceptive trade practice to violate provisions relating to billing practices, surprise billing, and balance billing laws; and
- Requires a health-care provider or health-care facility to provide, upon request of a prospective patient, an estimate of the total cost of a health-care service (service) to a person who intends to self-pay for the service (self-pay estimate). The act includes requirements for the self-pay estimate and caps the amount by which the final, total cost of the service may exceed the self-pay estimate to the lesser of 15% of the self-pay estimate or \$400, with exceptions for emergency or unforeseen, medically necessary services required during the service. The act makes it a deceptive trade practice to violate provisions relating to the self-pay estimate.

APPROVED by Governor May 4, 2023

EFFECTIVE May 4, 2023

S.B. 23-176 Protections for individuals with an eating disorders - prohibition on using standards for requiring an achieved weight - prohibition on selling diet pills - deceptive trade practice. The act lists the minimum factors to be considered when determining medical necessity or appropriate level of care for an individual with an eating disorder. The act prohibits certain health benefit plans or the state medical assistance program from utilizing the body mass index, ideal body weight, or any other standard requiring an achieved weight when determining medical necessity criteria or appropriate level of care for an individual with a diagnosed eating disorder. The prohibition does not apply when determining medical necessity or the appropriate level of care for an individual diagnosed with anorexia nervosa, restricting subtype or binge-eating/purging subtype; however, body mass index, ideal body weight, or any other standard requiring an achieved body weight must not be the determining factor when assessing medical necessity or the appropriate level of care for an individual diagnosed with anorexia nervosa, restricting subtype or binge-eating/purging subtype.

The act states a retail establishment engages in a deceptive trade practice if the retail establishment sells, transfers, or otherwise furnishes over-the-counter diet pills to any individual under 18 years of age.

APPROVED by Governor May 30, 2023

PORTIONS EFFECTIVE May 30, 2023
PORTIONS EFFECTIVE January 1, 2024
PORTIONS EFFECTIVE July 1, 2024

S.B. 23-248 Uniform Consumer Credit Code - renewal dates - cash funds - Colorado Fair Debt Collection Practices Act - confidentiality - Colorado Student Loan Equity Act - annual report - authority to work remotely. The act amends the "Uniform Consumer Credit Code" (code) by:

- Updating the renewal dates for entities required to be licensed under the code from January 31 of each year to July 1 of each year;
- Creating the consumer credit unit cash fund, into which all fees collected under the code on and after July 1, 2024, must be deposited; and
- Repealing the uniform consumer credit code cash fund and the collection agency cash fund and transferring the balances remaining in the funds to the consumer credit unit cash fund.

The act amends language in the "Colorado Fair Debt Collection Practices Act" relating to the duty of the code administrator to maintain confidentiality to align with the code and the "Colorado Student Loan Equity Act".

The act amends the "Colorado Student Loan Equity Act" by:

- Requiring licensed entities to include an annual report upon application for license renewal;
- Changing the term "private education loan" to "private education credit obligation" and updating corresponding terms accordingly;
- Defining the term "refinanced" and excluding student loans subject to refinancing from registration requirements; and
- Including a cosigner within the definition of "borrower".

The act authorizes collection agencies, persons who provide debt-management services, and student loan servicers to allow their employees to work remotely.

APPROVED by Governor June 5, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1011 Consumer protection - deceptive trade practice - right to repair agricultural equipment - manufacturer to facilitate owner or third-party repairs. Usually, an owner of agricultural equipment must seek diagnostic, maintenance, or repair services of the equipment from the agricultural equipment manufacturer (manufacturer).

Starting January 1, 2024, the act requires a manufacturer to provide parts, embedded software, firmware, tools, or documentation, such as diagnostic, maintenance, or repair manuals, diagrams, or similar information (resources), to independent repair providers and owners of the manufacturer's agricultural equipment to allow an independent repair provider or owner to conduct diagnostic, maintenance, or repair services on the owner's agricultural equipment. A manufacturer's failure to comply with the requirement to provide resources is a deceptive trade practice.

The act folds agricultural equipment into the existing consumer right-to-repair statutes and adds data to the list of resources that a manufacturer must provide to independent repair providers or owners. An independent repair provider or owner is not authorized to make any modifications to agricultural equipment that deactivates a safety notification system or brings the equipment out of compliance with safety or emissions laws or to engage in any conduct that would evade emissions, copyright, trademark, or patent laws.

If an agricultural equipment manufacturer enters into a nationwide memorandum of understanding regarding right-to-repair agricultural equipment, the manufacturer is still obligated

to meet the requirements of this act.

If Congress enacts federal legislation regarding the right to repair agricultural equipment, this act will be repealed.

APPROVED by Governor April 25, 2023

EFFECTIVE January 1, 2024

NOTE: This act was passed without a safety clause.

H.B. 23-1126 Consumer credit reporting - reporting of medical debt information prohibited - false representations prohibited - disclosures required - study - report. The act prohibits debt collectors and collection agencies, when attempting to collect debt that they know or should know is medical debt or to obtain information about a consumer in relation to an attempt to collect medical debt, from making a false, deceptive, or misleading representation that the medical debt will be included in a consumer report or factored into a consumer's credit score unless the information is used in connection with a credit transaction involving, or that may reasonably be expected to involve, a principal amount that exceeds the national conforming loan limit value determined annually by the federal housing finance agency. "Medical debt" is debt arising from health-care services or health-care goods, including products, devices, durable medical equipment, and prescription drugs.

The act also prohibits a consumer reporting agency from making any consumer report containing any adverse information that the agency knows or should know concerns medical debt. The department of revenue is required to study the effect of prohibiting medical debt reporting and, on or before January 1, 2028, report its conclusions from the study to certain legislative committees. In its initial written communication to a consumer, a debt collector or collection agency is required to include a statement regarding the new prohibitions.

Current law prohibits a consumer reporting agency from reporting certain types of information. However, the prohibition does not apply to:

- A credit transaction involving, or that may reasonably be expected to involve, a principal amount of \$150,000 or more; or
- The underwriting of life insurance involving, or that may reasonably be expected to involve, a face amount of \$150,000 or more.

The act eliminates both of these exceptions to the prohibition and substitutes a new exception, which applies to a credit transaction involving, or that may reasonably be expected to involve, a principal amount that exceeds the national conforming loan limit value for a one-unit property as determined annually by the federal housing finance agency.

APPROVED by Governor June 5, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1161 Water and energy efficiency standards - standards for certain appliances and fixtures - phase-out of certain fluorescent light bulbs - standards for heating and water heating appliances - rules - appropriation. Current law establishes water and energy efficiency standards (standards) for certain appliances and fixtures sold in Colorado. Sections 1 through 7 of the act expand the appliances and fixtures that are subject to the standards and update the standards.

Specifically, section 4 updates standards for certain new appliances and fixtures that are sold, leased, or rented in Colorado on and after certain dates, including:

- Showerheads, urinals, water closets, and certain faucets;
- Certain lamps;
- Commercial hot food holding cabinets;
- Portable electric spas;
- Residential ventilating fans; and
- Spray sprinkler bodies.

Section 4 also creates new standards for certain new appliances and other fixtures that are sold or leased in Colorado on and after January 1, 2026, including:

- Air purifiers;
- Commercial ovens;
- Electric storage water heaters;
- Electric vehicle supply equipment;
- Gas fireplaces;
- Irrigation controllers;
- Tub spout diverters and showerhead tub spout diverter combinations;
- Certain residential windows, residential doors, and residential skylights; and
- Thermostats.

Section 4 also removes standards for air compressors, general service lamps, and uninterruptible power supplies.

Section 5 requires the executive director (executive director) of the department of public health and environment (department) to promulgate rules on or before January 1, 2026, and every 5 years thereafter establishing standards for appliances and other devices that are not subject to the standards if certain conditions are met.

Section 6 exempts manufacturers of products subject to the standards from having to demonstrate that a product complies with the law if the product appears in the state appliance standards database maintained by the Northeast Energy Efficiency Partnerships or a successor organization. Section 6 also requires the executive director to verify major retailers' and distributors' compliance with the standards through online spot-checks, coordination with other states that have similar standards, or both. The executive director must deliver a report to the legislative committees of reference concerning the method and findings of the verifications, post the report on the department's website, and report any findings of violations to the attorney general.

Under current law, any person who sells or offers to sell in the state any new consumer product that is required to meet an efficiency standard but that the person knows does not meet that standard is subject to a civil penalty of not more than \$2,000 for each violation, which amount is credited to the general fund. Section 7 credits any penalties imposed to the energy fund created in the Colorado energy office rather than to the general fund and specifies that each transaction or online for-sale product listing constitutes a separate violation.

Section 8 establishes the "Clean Lighting Act" to phase out the sale of general-purpose fluorescent light bulbs that contain mercury. With certain exceptions, on and after January 1, 2025, a person shall not manufacture, distribute, sell, or offer for sale in Colorado any linear fluorescent lamp or compact fluorescent lamp.

Section 9 establishes standards for heating and water heating appliances. With certain exceptions, on and after January 1, 2026, a person shall not manufacture, distribute, sell, offer for sale, lease, or offer for lease in Colorado any new water heater or fan-type central furnace unless the emissions of the product do not exceed certain limits on emissions. Section 9 also requires manufacturers to use certain testing protocols, display certain information on each product, and demonstrate compliance through one of 2 described means.

Section 9 also allows the executive director to promulgate rules updating any emission standard, definition, or test method for new water heaters or fan-type central furnaces in order to maintain or improve consistency with other comparable standards in other states so long as the updated version results in air quality that is equal to or better than air quality achieved using the prior standard. On or before January 1, 2030, the executive director must conduct an analysis to determine whether statewide greenhouse gas emissions from water heaters and fan-type central furnaces are declining in comparison to emission levels in 2023 in a manner that comports with the statewide greenhouse gas reduction goals. Unless the analysis determines that the emissions trajectory is consistent with achieving the statewide greenhouse gas reduction goals, the executive director shall propose to the air quality control commission rules to bring the emission levels in line with the reduction goals.

Sections 8 and 9 both require the executive director to verify major retailers' and distributors' compliance with the prohibitions through online spot-checks, coordination with other states that have similar standards, or both. The executive director must deliver a report to the legislative committees of reference concerning the method and findings of the verifications, post the report on the department's website, and report any findings of violations to the attorney general. If the attorney general has probable cause to believe that a violation occurred, the attorney general may bring a civil action on behalf of the state to seek the imposition of civil penalties, and any civil penalties are to be deposited in the energy fund.

For the 2023-24 state fiscal year, the act appropriates \$49,730 to the department from the general fund to be used by the department as follows:

- \$5,848 for use by the division of environmental health and sustainability for administration and support; and
- \$43,882 for the purchase of legal services, which amount is reappropriated to the department of law to provide legal services for the department.

APPROVED by Governor June 1, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1162 Uniform consumer credit code - consumer credit transactions - deferral charges - rulemaking. The act authorizes the administrator of the "Uniform Consumer Credit Code" to adopt rules regarding deferral charges for certain consumer credit transactions that are secured by the consumer's potential proceeds from a settlement or judgment obtained in the consumer's associated legal claim.

APPROVED by Governor June 1, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1181 Consumer credit code - guaranteed asset protection agreements. The act establishes requirements regarding guaranteed asset protection agreements (GAP agreement). A GAP agreement relieves a consumer of liability for all or part of the deficiency balance remaining after the payment of all insurance proceeds upon the total loss of the consumer's motor vehicle.

The act permits a creditor to collect additional charges for a GAP agreement as part of a consumer credit transaction.

The act sets forth requirements related to GAP agreements, including:

- Setting conditions and provisions that must be a part of any GAP agreement in order for it to be valid;
- Establishing the method by which the deficiency balance is calculated and what the consumer will be owed pursuant to the GAP agreement in the event of a total loss;
- Detailing procedures for when a consumer files a claim under the consumer's GAP agreement after a total loss;
- Establishing procedures and methods for the cancellation or assignment of a GAP agreement;
- Establishing the maximum fee that may be charged for a GAP agreement, which must not exceed 4% of the total amount financed in the consumer credit transaction or \$600, whichever amount is greater; and
- Prohibiting the sale of a GAP agreement in specified circumstances, such as when the loan to value ratio in the GAP agreement exceeds 150%.

APPROVED by Governor June 7, 2023

EFFECTIVE January 1, 2024

NOTE: This act was passed without a safety clause.

H.B. 23-1192 Consumer protection - extending period for which price gouging prohibited during a declared disaster - antitrust laws - facilitating, aiding, or abetting a violation - scope of discovery - investigation or intelligence records - compensation for victims - increasing maximum penalty - statute of limitations. Under current law, a person commits an unfair and unconscionable act or practice if the person engages in price gouging with regard to the sale or provision of certain goods or services during, and for a certain period after, a declared emergency disaster (disaster period). The act extends the disaster period from 180 days after the first declaration of the disaster to 180 days after the final declaration concerning the disaster expires.

The act also repeals and reenacts the "Colorado Antitrust Act of 1992" as the "Colorado State Antitrust Act of 2023" (antitrust act) and:

- Establishes that the facilitation or aiding and abetting of another person's violation of the antitrust act is itself a violation of the antitrust act;
- Authorizes the attorney general (AG) to request discovery from any person that the AG believes may in the future engage in, or has information related to, a violation of the antitrust act;
- Authorizes the AG to deem investigatory or intelligence records related to the antitrust act available for public inspection and allows the AG to issue public

statements or warnings regarding conduct forming the basis of the investigatory or intelligence records;

- Authorizes a court, upon request of the AG, to compensate a person that has been injured from a violation of the antitrust act as part of a civil action that the AG brings on behalf of the person;
- Increases the maximum civil penalty that a court may award for a violation of the antitrust act from \$250,000 to \$1,000,000 per violation; and
- With regard to the statute of limitations for commencing a civil action under the antitrust act:
 - Clarifies that a cause of action accrues on the date of the last in a series of acts or practices that, in the aggregate, constitute a violation of the antitrust act; and
 - Tolls the statute of limitations for any civil action pertaining to an alleged violation of the antitrust act during the pendency of a federal proceeding regarding the conduct forming the basis of the alleged violation of the antitrust act.

APPROVED by Governor June 7, 2023

EFFECTIVE June 7, 2023

H.B. 23-1229 Consumer credit transactions - finance charges and fees - minimum loan term - loan application requirements - refinancing limit - exception to finance charge limits for general-purpose credit cards - opt-out of amendments to federal law. For consumer credit transactions made or renewed on or after January 1, 2024, the act modifies the requirements for alternative charges for loans not exceeding \$1,000 as follows:

- Reduces the permissible acquisition charge on the original loan from 10% to 8% of the amount financed and increases the permissible acquisition charge on any refinanced loan from 7.5% to 8%;
- Reduces the permissible amount for a monthly installment account handling charge;
- Increases the minimum loan term from 90 days to 6 months;
- Eliminates delinquency charges for the loan;
- Amends the conditions upon which an acquisition charge must be refunded to the consumer by eliminating the 60-day deadline for prepaying in full, refinancing, or consolidating a loan and changes how the unearned portions of the acquisition charge and monthly installment handling charges are calculated;
- Details the requirements for an application for the loan and specifies how the loan application requirements impact a determination of unconscionability of the loan; and
- Decreases the number of times a lender may refinance a consumer loan from 3 times in a year to once in a year.

For consumer credit transactions made or renewed on or after July 1, 2024, the act:

- Opts Colorado out of the amendments to the "Federal Deposit Insurance Act", the federal "National Housing Act", and the "Federal Credit Union Act" and specifies that rates established in the Colorado "Uniform Consumer Credit Act" apply to consumer credit transactions in this state; and
- Repeals provisions specifying that lender or seller credit cards issued by a credit card bank or financial institution are subject to limitations on finance charges in statute and instead specifies that general-purpose credit cards are not subject to limits on

finance charges and fees applicable to consumer credit transactions specified in state law.

APPROVED by Governor June 5, 2023

PORTIONS EFFECTIVE June 5, 2023
PORTIONS EFFECTIVE July 1, 2024
PORTIONS EFFECTIVE January 1, 2024

CORPORATIONS AND ASSOCIATIONS

H.B. 23-1297 Scrip - issuance in bearer form - prohibited. In conformance with federal law, the act repeals the allowance for a corporation to issue a scrip in bearer form upon the holder surrendering enough scrip to equal a full share.

APPROVED by Governor June 7, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

CORRECTIONS

S.B. 23-67 Inmate education programs - reentry program development - consultation with correctional facility residents - appropriation. The act requires the department of corrections (department) to contract with a third-party organization to assign an employee of the organization (program developer) to develop and study strategies for implementing a pre-release and reentry program (program) at the Sterling correctional facility (facility). The program must be designed in consultation with the facility's residents and provide program participants with resources to support their rehabilitation and to reduce recidivism. The act requires the department to allow the program developer to work in the facility with residents.

The program must provide participants with training in skilled or professional trades and other employment-focused activities, education in skills beneficial to a participant following release from confinement, and mental and behavioral health counseling sessions.

The program developer is required to report, on or before December 31, 2023, to the house of representatives judiciary committee, the senate judiciary committee, and the department, about the development of the program.

The act requires the department to begin operating the program at the facility no later than September 1, 2024.

The act appropriates \$100,000 from the general fund to the department for contract services related to the program.

APPROVED by Governor June 2, 2023

EFFECTIVE June 2, 2023

S.B. 23-157 Offender reentry and education grant programs - recidivism tracking and reporting - continuation under sunset law. The act implements the recommendations of the department of regulatory agencies to continue to the offender reentry and education programs (programs) until September 1, 2028, subject to sunset review by the department of regulatory agencies. The act also requires the department of corrections to track the long-term recidivism rates of persons who were formerly incarcerated who participated in the programs. Finally, the act requires the department of corrections to report recidivism rates and data on all individuals who participate in reentry services and programs to the judiciary committees of the house and senate.

APPROVED by Governor May 17, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-193 Parole - early release - notification requirements to victim. If the adult or juvenile parole board decides to discharge a parolee early, the act requires the parole boards to set the date of discharge at least 15 days after notice is provided to the victim of the discharge or at least 15 days after the decision to grant early discharge if the victim chose not to receive victim notifications.

The act requires victim notifications to be communicated in plain and easy-to-understand language and in a manner intended to increase the likelihood of the victim's attention to the notice.

APPROVED by Governor June 2, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-203 Inspector general - apprehension of fugitives. The act expands the duties of the office of the inspector general in the department of corrections (department) to include, upon request of law enforcement, seeking out and arresting any fugitive from a correctional facility and assisting law enforcement in the apprehension of any fugitives from justice throughout the state. The department is required to annually report to the general assembly about the inspector general's work apprehending, and assisting law enforcement agencies with apprehending, fugitives.

APPROVED by Governor June 5, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-242 Financial audit - department of public safety - division of criminal justice - community corrections programs - appropriation. Starting no later than January 1, 2024, The act requires the division of criminal justice (division) in the department of public safety (department) to contract with a third party every 5 years to conduct a financial audit of community corrections programs and report findings to the joint budget committee and the division of criminal justice by July 1, 2025.

\$100,000 is appropriated to the department from the general fund for use by the division for administrative services.

APPROVED by Governor April 17, 2024

EFFECTIVE August 7, 2024

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1013 Facility use of restrictive practices - minimum standards - reports - appropriation. The act requires the department of corrections (department), by July 1, 2027, to implement policies and practices that conform to nationally recognized minimum standards concerning restraint and seclusion standards of inmates. The act requires the department to uniformly document restraint incidents.

The act requires certain facilities to perform an evaluation of every individual at intake to assess the individual's risk of self-harm behaviors and whether the individual has previously been subjected to four-point restraints.

The act prohibits the use of an involuntary medication on an individual, unless:

- The individual is determined to be dangerous to the individual's self or another person and the treatment is in the individual's medical interest;
- All less restrictive alternative interventions have been exhausted; and
- The involuntary medication is administered after exhaustion of procedural requirements, including majority approval by an involuntary medication committee

comprised of medical professionals and the superintendent of the facility.

The act requires the department to submit an annual report to the judiciary committees of the senate and house of representatives with data concerning the use of restraints and involuntary medication in the preceding calendar year, and present the findings at the department's annual "SMART Act" hearing.

The act requires the department to include specific data concerning the placement of individuals in settings with heightened restrictions in its annual administrative segregation report.

For the 2023-24 state fiscal year, the act appropriates \$18,872 to the from the general fund, of which \$12,000 is reappropriated to the office of information technology.

APPROVED by Governor June 5, 2023

EFFECTIVE June 5, 2023

H.B. 23-1037 Earned time - credit for education program completion. The act requires the department of corrections (department) to, for an inmate who was sentenced for a nonviolent felony offense, deduct earned time from the inmate's sentence for each accredited degree or other credential awarded by an institution of higher education to the inmate while the inmate is incarcerated or on parole, in the following amounts:

- 18 months of earned time for a master's degree and 2 years of earned time for a doctoral degree;
- One year of earned time for receiving an associate or baccalaureate degree; and
- 6 months of earned time for receiving a certificate or other credential that requires completion of at least 30 credit hours.

The act requires the department to designate up to six regionally accredited institutions of higher education that may award a degree or credential to an inmate for which earned time must be deducted.

The act requires the general assembly to annually appropriate to the department of higher education the savings incurred during the prior state fiscal year as a result of the release of inmates from correctional facilities because of earned time granted for completion of a higher education degree or credential. The appropriation to the department of higher education is for allocation to institutions of higher education that offer accredited programs in correctional facilities.

APPROVED by Governor April 12, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1133 Penal communications services - juvenile detention communication services - eliminating charge for person initiating or receiving call - staggered implementation - appropriation. The act clarifies that the department of corrections (DOC) shall provide voice penal communications services, and may supplement these services with other communication services, including video calls or electronic mail or messaging, (penal communication services) to persons in DOC custody in a correctional facility or private prison in the state. In administering the penal communications services, the DOC is prohibited from receiving any revenue, including commissions or fees, and the penal communications services, excluding video calls or electronic mail or messaging, must be free

of charge to the person initiating and the person receiving the call.

DOC shall provide the free penal communication services according to a staggered implementation timeline, as follows:

- Beginning September 1, 2023, through June 30, 2024, DOC shall cover 25% of the total penal communication services costs;
- Beginning July 1, 2024, through June 30, 2025, DOC shall cover 35% of the total penal communication services costs; and
- Beginning July 1, 2025, and thereafter, DOC shall cover 100% of all penal communication services costs.

The department of human services, in its role overseeing juvenile detention facilities, shall provide voice communications services, and may supplement these services with other communication services, including video calls or electronic mail or messaging, in those facilities and is prohibited from receiving any revenue from the communications services, including commissions or fees, and the communications services must be free of charge to the person initiating and the person receiving the call.

For the 2023-24 state fiscal year, \$229,783 is appropriated to the department of corrections from the general fund for use by institutions. The department may use this appropriation for inmate telephone calls related to the superintendent's subprogram.

APPROVED by Governor June 7, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1268 Offender supervision - convicted out-of-state - living out-of-state - treatment requirements. Colorado participates in an interstate compact that allows a person convicted of a crime in another state to have the person's probation or parole supervised in Colorado (supervised person) and allows a person convicted in another state who is not required to be supervised to complete the person's court-ordered treatment in Colorado (unsupervised person). The act clarifies the process for treating a supervised or unsupervised person into a private treatment program in Colorado for substance use treatment, sex offender management services, or domestic violence services (program). The act directs the program to assist supervised and unsupervised persons with registering with the interstate compact administrator. The department of corrections (department) is required to complete a criminal history records check of each supervised and unsupervised person to verify that the person is a supervised or unsupervised person. The act specifies requirements for programs when the participant is a supervised person.

Current law subjects a program or supervised person to a misdemeanor for violating the provisions of the interstate compact. The act states that a violation may be reported to the program's appropriate licensing, certifying, or approving agency for potential corrective action. The act requires the department to periodically update the out-of-state offender questionnaire used by private treatment program providers.

Current law requires a person serving a supervision sentence for a domestic violence-related offense to complete a treatment program that conforms with the standards of the domestic violence offender management board. The act directs a person whose supervision is transferred to another

state pursuant to the interstate compact for the supervision of adult offenders to follow the requirements for a treatment program of the state where the person is being supervised.

APPROVED by Governor May 20, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

COURTS

S.B. 23-64 Office of public guardianship - expansion - board of directors - guardian certification - gifts, grants, and donations - audit. Under existing law, the office of public guardianship (office) is authorized to operate in 3 judicial districts and is scheduled to repeal on June 30, 2024. The act extends the office indefinitely and requires the office to begin operating in additional judicial districts in 2025 and to operate in every judicial district in the state by December 31, 2030.

The act establishes a board of directors (board) to oversee the office. The board consists of 7 members: 3 members who are attorneys appointed by the chief justice of the Colorado supreme court and 4 non-attorney members appointed by the governor. The existing public guardianship commission that oversees the office is repealed, effective August 31, 2023.

The act permits the office to initiate petitions for guardianship and take any action on behalf of a client that a private guardian may take. The act requires the office to prioritize individuals with the greatest needs when the number of cases in which services have been requested exceeds the number of cases in which public guardianship can provide services.

The office of administrative services for independent agencies created in the judicial department in Senate Bill 23-228 in 2023 provides administrative and fiscal support to the office of public guardianship.

The office is required to employ guardians to provide guardianship services to the office's clients. A guardian must be certified as a guardian or become certified within 2 years after being hired by the office. The office shall provide training to guardians in specified subjects.

The act requires a court to waive filing fees for petitions for guardianship filed by the office in cases that involve an indigent and incapacitated person who is eligible for guardianship services from the office. A court is prohibited from requiring the office or a guardian employed by the office to post a bond as a condition for appointment as a guardian.

The act authorizes the office to spend any gifts, grants, or donations it receives without prior appropriation by the general assembly.

The act requires the state auditor to conduct, or cause to be conducted, a performance audit of the office during the period between July 1, 2027, and June 30, 2030.

APPROVED by Governor May 30, 2023

EFFECTIVE May 30, 2023

NOTE: Certain sections of the act are contingent on whether or not Senate Bill 23-228 becomes law. Senate Bill 23-228 was signed by the governor April 20, 2023.

S.B. 23-168 Firearms and ammunition manufacturers - standards of conduct - cause of action. Current law limits product liability actions against manufacturers of firearms and ammunition to situations in which there was a defect in the design or manufacture of a firearm or ammunition. The act repeals that limitation.

The act defines the terms "firearm industry member" (industry member) and "firearm industry product" (industry product) and requires each industry member that is engaged in the manufacture, distribution, importation, marketing, or wholesale or retail sale of an industry product in Colorado

to establish and implement reasonable controls and precautions related to the industry product in its control.

An industry member shall not knowingly engage in conduct, through acts or omissions, that violates statutory firearms provisions or the "Colorado Consumer Protection Act".

If an industry member's knowing violation of the provisions of the act creates a reasonably foreseeable risk of harm, the violation is presumed to be the proximate cause of the harm in an action brought pursuant to the act. An intervening act by a third party, including unlawful misuse of an industry product, does not protect an industry member from liability. A cause of action may be brought within 5 years after the date that the violation or harm occurs.

APPROVED by Governor April 28, 2023

EFFECTIVE October 1, 2023

S.B. 23-170 Extreme risk protection orders - additional petitioners - public education campaign - appropriation. The act repeals and reenacts the statutory article related to extreme risk protection orders.

Under current law a family or household member and a law enforcement officer or agency can petition for an extreme risk protection order. The act expands the list of who can petition for an extreme risk protection order to include licensed medical care providers, licensed mental health-care providers, licensed educators, and district attorneys.

The act requires the office of gun violence prevention to expend funds annually on a public education campaign regarding the availability of, and the process for requesting, an extreme risk protection order.

The act appropriates:

- \$140,462 from the general fund to judicial department to implement the act; and
- \$238,846 from the general fund to the department of public safety.

APPROVED by Governor April 28, 2023

EFFECTIVE April 28, 2023

S.B. 23-227 Contract attorney time - annual increase. The act creates a mechanism to set the hourly rate for attorney time for attorneys who contract with the office of alternate defense counsel, the office of the child's representative, or the office of the respondent parents' counsel. The rate for fiscal year 2023-24 is \$100 per hour. The hourly rate must be increased annually by no more than \$5 each year until it is at least 75% of the rate set in the federal "Criminal Justice Act Revision of 1986" for indigent representation in federal court. The hourly rate may be adjusted in subsequent fiscal years to maintain the hourly rate at or above 75% of the rate set in the federal "Criminal Justice Act Revision of 1986".

APPROVED by Governor April 17, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-228 Judicial department - office of administrative services for independent agencies - appropriation. The act creates the office of administrative services for independent agencies (office) in the judicial department to provide administrative support services to the office of the child protection ombudsman, the independent ethics commission, the office of public guardianship, and the commission on judicial discipline.

The act requires the office to be governed by an administrative board that is responsible for hiring the director of the office, assisting the office director in establishing office policies regarding the delivery of support services, and providing human resources assistance to assist in the hiring of office employees.

The act sets responsibilities for the office.

The act requires the judicial department to provide the office with administrative support until July 1, 2024, and to provide office space for the office.

Under current law, certain independent agencies operate through a memorandum of understanding with the judicial department. The act repeals the memorandum of understanding requirements to allow the office to provide those services to the office of the child protection ombudsman and the office of public guardianship.

To implement the act, \$746,909 is appropriated from the general fund to the judicial department for use by the office, and \$100,453 is appropriated from the general fund to the judicial department for the purchase of legal services and is reappropriated to the department of law to provide legal services for the judicial department.

Provisions of the act are contingent upon Senate Bill 23-064 being enacted and becoming law.

APPROVED by Governor April 20, 2023

EFFECTIVE April 20, 2023

NOTE: Certain sections of the act are contingent on whether or not Senate Bill 23-064 becomes law. Senate Bill 23-064 was signed by the governor May 30, 2023.

S.B. 23-229 Statewide behavioral health court liaison program - office and commission - appropriation. The act establishes the office of the statewide behavioral health court liaison (office) as an independent agency within the judicial department to administer the statewide behavioral health court liaison program, which is known as the bridges program (program). The head of the office is the director. The office provides program services.

The act establishes the bridges program commission (commission) to support the office. The commission appoints the director of the office, provides guidance to the office, provides fiscal oversight of the office's general operating budget, participates in program services funding decisions, and assists with the office's duties concerning program training and public outreach.

The act clarifies the scope, requirements, and duties of the program, including requiring the program to inform county attorneys of available behavioral health services and connect participants to, and support engagement with, relevant services. The act clarifies the duties of the program's court liaisons, including:

- Addressing system gaps and barriers and promoting positive outcomes for program participants;
- Keeping judges, district attorneys, county attorneys, and defense attorneys informed about available community-based behavioral health services; and
- Providing consultation and training to criminal and juvenile justice personnel regarding behavioral health and community treatment options and program best practices.

The office is required to annually report to the joint budget committee about the office's work and administration of the program.

The act appropriates \$5,181,020 from the general fund to the judicial department for use by the office and \$100,453 from the general fund to the judicial department for legal services, which is reappropriated to the department of law to provide legal services to the judicial department. The act reduces the appropriation in the 2023 long bill to the judicial department for the program by \$2,802,491.

APPROVED by Governor April 27, 2023

EFFECTIVE April 27, 2023

NOTE: Certain sections of the act are contingent on whether or not Senate Bill 23-228 becomes law. Senate Bill 23-228 was signed by the governor April 20, 2023.

S.B. 23-230 Twenty-third judicial district - county reimbursement - appropriation. The act directs the state court administrator's office to reimburse counties located in the eighteenth judicial district for expenses related to establishing a district attorney's office in the new twenty-third judicial district.

The act appropriates \$668,600 to the judicial department.

APPROVED by Governor April 17, 2023

EFFECTIVE April 17, 2023

S.B. 23-282 Jury appreciation day - creation. The act establishes an annual jury appreciation day on September 5 of each year. The total number of legal holidays in a state fiscal year available to an employee of a state agency is not changed by adding annual jury appreciation day.

APPROVED by Governor May 24, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1019 Judicial discipline - selection of commission members - information sharing - rule-making - data and statistics - complaint procedures - confidentiality - appropriation. The act requires the supreme court to select members of the commission on judicial discipline (commission) who are district and county judges from nominee pools created by the state court administrator. Upon a vacancy of a district judge or county judge member, the state court administrator shall create a nominee pool of 10 district or county judges, as appropriate. When making its selection, the supreme court shall ensure that the commission does not include more than one district judge from any one judicial district and not more than one county judge from any one county.

The office of judicial performance evaluation, the judicial nominating commissions, the

office of the presiding disciplinary judge, and the office of attorney regulation counsel (judicial oversight entities) are required to provide requested material to the commission within 14 calendar days after the request, and a judicial oversight entity may not withhold requested material through a claim of privilege or confidentiality. A provision in a contract entered into after the effective date of the act that prohibits a judicial oversight entity from disclosing information to the commission is void as against public policy and is unenforceable.

The rule-making committee that is established in the constitution to propose rules for the judicial discipline process shall provide the commission and judicial discipline adjudicative board (board) with reasonable notice before proposing any new rule or amendment and requires the committee to post notice of each rule change and allow for public comment concerning proposed changes.

Current law requires the commission to maintain annual data and statistics related to its work and judicial misconduct allegations. The act requires the commission to maintain additional information and requires the commission to include the data and information in its annual report and make the data and information available online in a searchable format.

The act permits a person to submit a request for evaluation of judicial misconduct by mail or online and to submit a confidential or anonymous request for evaluation. The office of judicial discipline (office) is required to develop an online request for evaluation form that is accessible from the commission's public website. The office shall provide complainants with information about the judicial discipline process, the status of the complainant's request, and any subsequent investigation and disciplinary or adjudicative process.

The act requires a judge member of a board panel hearing a judicial discipline proceeding to provide administrative staff support for the panel.

The act repeals the statute establishing the legislative interim committee on judicial discipline and statutory provisions concerning the confidentiality of judicial discipline investigation records, including repealing the penalty for disclosing confidential information.

The portions of the act concerning the selection of judge members of the commission, the board, and judicial discipline rule-making take effect only if House Concurrent Resolution 23-1001 is approved by the people at the general election to be held November 2024.

The act appropriates \$126,986 to the judicial department for use by the commission for the office.

APPROVED by Governor June 5, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die; except that portions of the act shall take effect only if House Concurrent Resolution 23-1001 is approved by the people at the general election to be held November 2024 and will take effect on the date of the official declaration of the vote on said Concurrent Resolution 23-1001 by the governor; except that, if a referendum petition is filed pursuant to this act, then the act or section will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

H.B. 23-1108 Victim and survivor awareness and responsiveness training for judicial personnel - task force - report - appropriation. The act creates a task force to study victim and survivor awareness and responsiveness training requirements for judicial personnel (task force) in the office for victims programs in the division of criminal justice. The task force consists of members who have experience representing victims and survivors of domestic violence, sexual assault, or other crimes; lived experience as a victim or survivor of domestic violence, sexual assault, or other crimes; or are members of the judicial community. The task force is required to analyze current training provided to judicial personnel around the country on topics of domestic violence, sexual assault, and other crimes, in order to determine best practices and training requirements for judicial personnel in the state.

The act requires the task force to establish a working group to analyze and determine training standards for judicial personnel regarding issues relevant to domestic relations cases and must consider data provided to the working group by the office of the state court administrator. The office of the state court administrator must provide the working group with the described data not later than November 1, 2023.

The task force is required to convene by July 15, 2023, and is required to meet at least 4 times but not more than 10 times no later than January 15, 2024. The task force is required to submit a report with its findings and recommendations to the house of representatives judiciary committee and the senate judiciary committee, or their successor committees, and the judicial department by February 1, 2024. The task force is repealed, effective July 1, 2024.

The act appropriates \$11,900 from the general fund to the department of public safety for use by the division of criminal justices for administrative services.

APPROVED by Governor May 25, 2023

EFFECTIVE May 25, 2023

H.B. 23-1120 Mandatory mediation prior to residential eviction action - executing writ of restitution - written demand - written rental agreement. The act requires a landlord and residential tenant to participate in mandatory mediation prior to commencing an eviction action if the residential tenant receives supplemental security income, federal social security disability insurance, or cash assistance through the Colorado works program (collectively, "cash assistance"). The landlord and residential tenant do not have to participate in mediation if the residential tenant did not disclose or declined to disclose in writing to the landlord that the residential tenant receives cash assistance, the complainant is a 501(c)(3) nonprofit organization that offers opportunities for mediation to residential tenants, or the complainant is a landlord with 5 or fewer single-family rental homes and no more than 5 total rental units. Failure to comply with mandatory mediation is an affirmative defense.

The act prohibits a law enforcement officer from executing a writ of restitution against a residential tenant for at least 30 days after the entry of judgment if the residential tenant receives cash assistance, except in the case in which a court has ordered a judgment for possession for a substantial violation or in the case of a landlord with 5 or fewer single-family rental homes and no more than 5 total rental units.

The act requires a written demand to include a statement that a residential tenant who receives cash assistance has a right to mediation prior to the landlord filing an eviction complaint with the court.

The act requires a written rental agreement to include a statement that current law prohibits source of income discrimination and requires a non-exempt landlord to accept any lawful and verifiable source of money paid directly, indirectly, or on behalf of a person.

The act prohibits a written rental agreement from including a waiver of mandatory mediation or a clause that allows a landlord to recoup any costs associated with mandatory mediation.

The act appropriates \$328,026 from the general fund to the judicial department for use by courts administration. To implement this act, the department may use this appropriation as follows:

- \$246,076 for general courts administration;
- \$75,000 for information technology infrastructure; and
- \$6,950 for capital outlay.

APPROVED by Governor June 6, 2023

EFFECTIVE June 6, 2023

H.B. 23-1132 State and municipal courts - data sharing task force - creation - reporting - appropriation. The act creates a data-sharing task force with 15 members that will meet a minimum of 6 times to evaluate data-sharing practices between state and municipal courts. The act requires the task force to:

- Investigate current data sharing and access to court data systems;
- Consider processes for sharing data and providing access to court data systems statewide; and
- Consider safety measures or integration of systems in order to protect sensitive data in court systems.

The task force is required to report its findings and recommendations to the judiciary committees of the house or representatives and the senate, or any successor committees, on or before January 8, 2024.

For the 2023-24 state fiscal year, \$115,440 is appropriated from the general fund to the judicial department to implement the act. The department may use this appropriation for information technology infrastructure.

APPROVED by Governor June 7, 2023

EFFECTIVE June 7, 2023

H.B. 23-1178 Domestic violence - court proceedings - training. To comply with the federal "Keeping Children Safe From Family Violence Act" (federal act), the act requires courts that hear parental allocation proceedings involving domestic violence or child abuse, including child sexual abuse, to consider the admission of expert testimony and evidence if the expert demonstrates expertise and experience working with victims of domestic violence or child abuse. Courts are also required to consider evidence of past sexual or physical abuse committed by the accused party, any restraining orders against the accused party, arrests or convictions of the accused party, and any other documentation of abuse, such as letters to landlords to break leases or medical records.

The act prohibits a court from removing a child from or restricting contact between a child and a protective party who is competent, protective, not physically or sexually abusive, and with

whom the child is bonded or attached solely in order to improve a deficient relationship with the accused party.

The act provides that a court shall not order reunification treatment (treatment) that is predicated on cutting off the relationship between a child and a protective party with whom the child is bonded and attached. If a court orders treatment, the treatment must be generally accepted and there must be scientifically valid proof of the safety, effectiveness, and therapeutic value of the treatment.

The act directs the task force created in House Bill 23-1108 to study victim and survivor awareness and responsiveness training requirements to make recommendations for any judge or magistrate who presides over parental responsibility proceedings.

The act requires child and family investigators, parental responsibilities evaluators, and legal representatives of children who do not contract with the office of the child's representative (office) to complete initial and ongoing training on domestic violence and child abuse. A trainer with experience assisting survivors of domestic violence or child abuse is required to conduct the training.

The act requires the judicial branch to apply to the federal department of justice's office of the attorney general for a grant increase to comply with the federal act.

APPROVED by Governor May 25, 2023

EFFECTIVE May 25, 2023

NOTE: Certain sections of the act are contingent on whether or not House Bill 23-1108 becomes law. House Bill 23-1108 took effect May 25, 2023.

H.B. 23-1182 Criminal court proceedings - remote public access. The act requires all courts in Colorado to provide remote access for the public to observe any criminal court proceeding conducted in open court, unless:

- The court does not have the technology available to do so;
- The court has ordered that the public is excluded from the proceeding;
- Technology, staffing, or internet issues limit or prevent remote observation; or
- After a request or on the court's own motion, the court makes findings that:
 - The remote observation of live proceedings risks compromising the safety of any person, the defendant's right to a fair trial, or the victim's rights; and
 - There is no less restrictive alternative that preserves the public interest in remote observation.

The act also requires the court to post links on its website for the remote observation.

The also act requires the court to:

- Take reasonable steps to ensure that no audio or visual transmission of privileged, confidential communications occurs; and
- If a proceeding is subject to a sequestration order, take reasonable steps to ensure compliance with the sequestration order.

If a court does not have sufficient existing staff or technology to allow remote observation

to the public but later obtains such staff or technology, the act requires the court to comply with the act within 90 days after obtaining the necessary staff or technology.

APPROVED by Governor June 7, 2023

EFFECTIVE September 1, 2023

NOTE: This act was passed without a safety clause.

H.B. 23-1186 Residential eviction in county court - remote appearance - electronic filing - appropriation. For a residential eviction action filed in county court, the act:

- Requires the court to allow either party or any witness to choose to appear in person or remotely at any return, conference, hearing, trial, or other court proceeding and to allow either party to change their designation until up to 48 hours before the proceeding;
- Authorizes a pro se defendant to file an answer to a summons electronically through an e-filing system; and authorizes either party, if the party is pro se, to file a motion or other documents electronically through an e-filing system;
- Prohibits the court from assessing an e-filing fee or service fee on a motion to waive filing fees, or from assessing an e-filing fee, service fee, or any other fee associated with the electronic filing or e-mailing of motions, answers, or documents for an indigent party; and
- Requires the court to comply with federal and state law or regulations, including state supreme court directive or policy, regarding accommodations for people with a disability or for people with limited English proficiency.

If a party is appearing remotely and is disconnected, the act requires the court to make all reasonable efforts to contact the party and allow reasonable time for the party to reestablish connection. If the party is unable to reestablish connection, the act requires the court to reschedule the hearing for the first available in-person date after the date of the originally scheduled hearing, but no later than one week after the originally scheduled hearing, to the extent practicable. The act prohibits the court from entering a default judgment if a party is unable to participate remotely due to a technological disconnection or failure.

The act requires the complaint to include a designation of whether the plaintiff elects to participate in any hearing in person or remotely and a box indicating if the eviction is for a residential or commercial tenancy.

The act requires the summons to include a statement in bold-faced type notifying the defendant that either party has a right to appear in person or remotely, include a place for the defendant to indicate whether the defendant will appear in person or remotely, and provide information for how a pro se party can file documents related to the case.

The act appropriates \$418,118 from the general fund and the judicial department information technology cash fund to the judicial department for trial court programs, capital outlay, and information technology infrastructure.

APPROVED by Governor June 7, 2023

EFFECTIVE January 1, 2024

NOTE: This act was passed without a safety clause.

H.B. 23-1205 Office of the judicial discipline ombudsman - creation - powers and duties - selection board - rules - appropriation. The act establishes the office of the judicial discipline ombudsman (office) as an independent office in the judicial department that is operated pursuant to a memorandum of understanding between the office and the judicial department. The judicial discipline ombudsman (ombudsman) is the director of the office.

The act establishes the judicial discipline ombudsman selection board (board) to be made up of 5 board members who must be appointed not later than January 1, 2024. The duties and responsibilities of the board include:

- Overseeing personnel decisions of the ombudsman, which include appointing a person to serve as the ombudsman, filling a vacancy in the ombudsman position, evaluating the ombudsman's performance, and developing a complaint process concerning the ombudsman's performance;
- Overseeing and advising the ombudsman on the strategic direction of the office and its mission;
- Working cooperatively with the ombudsman to provide fiscal oversight of the general operating budget of the office;
- Ensuring compliance with the provisions of the act, the memorandum of understanding, and state and federal laws;
- Promoting the mission of the office; and
- Providing assistance to the ombudsman when requested.

The powers and duties of the ombudsman include:

- Creating and maintaining an anonymous reporting system for complainants to submit complaints;
- Helping complainants understand their rights and options in reporting and filing a complaint with the commission on judicial discipline (commission) and other appropriate authorities;
- Providing complainants with necessary referrals for additional support services and care if needed or requested;
- Reporting appropriate cases to the commission, the office of attorney regulation counsel, law enforcement, and the judicial department;
- Serving in an advisory capacity to the commission and the judicial department on rule-making;
- Ensuring accountability and consistency in the operating policies and procedures of the office; and
- Serving as a liaison for communications between a complainant and the commission or the judicial department.

The act requires that, to be appointed, the ombudsman must have prior experience serving as an ombudsman; have a deep understanding of and expertise in organizational culture and diversity, equity, and inclusion; have professional experience working with human resources; and possess the ability to act in a nonpartisan manner.

The act requires all communications and information disclosed to the ombudsman by a complainant to be kept confidential unless the complainant gives the ombudsman permission to disclose the information. Disclosed information and records are not discoverable if the information

and records are received during and within the scope of the ombudsman's duties and responsibilities. The act requires the ombudsman to disclose a complaint that alleges judicial misconduct and to keep the identity of the complainant confidential unless the complainant gives permission to disclose the complainant's identity.

The records related to complaints received by the office are not subject to the "Colorado Open Records Act".

The ombudsman is exempt from mandatory reporting rules, statutes, and policies, and may only report an incident made known to the ombudsman by a complainant if the complainant consents to the disclosure.

The act authorizes the office to promulgate rules necessary to implement the requirements of the act and to ensure confidentiality of disclosures made to the office by complainants.

The act appropriates \$100,543 from the general fund to the judicial department to purchase legal services from the department of law.

APPROVED by Governor June 7, 2023

EFFECTIVE June 7, 2023

H.B. 23-1222 Municipal ordinance that criminalizes domestic violence - requirements for municipal court - report. Beginning January 1, 2024, the act requires a municipality that has a municipal ordinance that criminalizes an act of domestic violence to adopt an ordinance establishing:

- Protections and rights for victims, victims' families, and witnesses; sentencing guidelines; conditions of probation; conditions of release on bond; and guidelines and standards that are consistent with similar provisions for prosecuting an act of domestic violence in district court; and
- A requirement that the prosecuting attorney who initially meets with the victim after the charges are filed makes a reasonable effort to remain as the prosecuting attorney throughout the proceeding.

In a case involving an alleged violation of a municipal ordinance that criminalizes an act of domestic violence, the act requires a municipal court to issue a protection order; report or cause to be reported the alleged violation to the Colorado bureau of investigation (CBI) and enter the information into the Colorado crime information center (CCIC) database and the national crime information center (NCIC) database; and search the CBI, CCIC database, and the NCIC database to determine if the respondent has a history of domestic violence.

The act states that any case involving an alleged violation of a municipal ordinance that criminalizes an act of domestic violence is a misdemeanor for the purposes of complying with federal law.

The act authorizes any affected person to enforce compliance with the act by notifying the crime victim services advisory board of any noncompliance. If the board determines that the report of noncompliance has a basis in fact and cannot be resolved, the act requires the board to refer the report to the governor, who shall request that the attorney general file suit to enforce compliance.

Beginning January 2025 and each year thereafter until January 2029, the act requires the

department of public safety to report during the department's "SMART Act" hearing the total number of reports and inquiries submitted to CBI, the CCIC database, and the NCIC database.

APPROVED by Governor May 25, 2023

EFFECTIVE January 1, 2024

NOTE: This act was passed without a safety clause.

H.B. 23-1280 Colorado access to justice commission - codification - fund. The act codifies the Colorado access to justice commission (commission). The governor, legislative leadership, supreme court of Colorado, and Colorado legal organizations appoint the 17- to 20-member commission, and the Colorado supreme court justice liaison, the executive director of Colorado legal services, the executive director of the legal aid foundation of Colorado, and a representative of the Colorado attorney general serve as ex officio nonvoting members of the commission.

The act directs the commission to make recommendations regarding legislative and regulatory changes that could help improve access to justice for all Coloradans, and allows the commission to hire staff.

The act creates the Colorado access to justice commission cash fund. The commission is authorized to receive gifts, grants, and donations to fund the commission's duties.

APPROVED by Governor June 2, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

CRIMINAL LAW AND PROCEDURE

S.B. 23-34 Serious bodily injury - definition. The act expands the definition of "serious bodily injury" in the criminal code to include penetrating gunshot wounds and penetrating knife wounds.

APPROVED by Governor June 2, 2023

EFFECTIVE July 1, 2023

S.B. 23-72 Defense counsel on first appearance grant program - repeal subject to sunset review - appropriation. The act continues the defense counsel on first appearance grant program until September 1, 2028, subject to sunset review by the department of regulatory agencies.

For the 2023-24 fiscal year, the act appropriates \$1,666,652 from the general fund to the department of local affairs for use by the division of local government.

APPROVED by Governor May 12, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-88 Criminal sentencing - Colorado commission on criminal and juvenile justice sentencing reform study report. The act requires the Colorado commission on criminal and juvenile justice (commission) to report to the general assembly about its study of sentencing reform by June 30, 2023. The report must include a summary of the commission's work and an update on the status of the commission's and any task force's efforts to address clarity and certainty in the current criminal sentencing scheme regarding the amount of time that must be served on each sentence imposed by the court prior to a defendant's parole eligibility.

APPROVED by Governor June 6, 2023

EFFECTIVE June 6, 2023

S.B. 23-95 Aircraft - unlawful use of a laser device. The act creates the offense of unlawfully aiming a laser device at an aircraft (offense), which is a class 6 felony. A person commits the offense when the person knowingly points, focuses, or aims a laser device at an aircraft while the aircraft is occupied and the incident is reported to law enforcement by the pilot or crew member of the impacted aircraft.

The act provides exemptions for a person who points a laser device at an aircraft under certain circumstances.

APPROVED by Governor March 23, 2023

EFFECTIVE July 1, 2023

S.B. 23-97 Motor vehicle offenses - motor vehicle theft penalties - unauthorized use of motor vehicle penalties - appropriation. Current law criminalizes auto theft as "aggravated motor vehicle theft in the first degree" and "aggravated motor vehicle theft in the second degree." The penalties for both aggravated motor vehicle thefts are based on the value of the vehicle or vehicles stolen.

The act changes the term "aggravated motor vehicle theft" to "motor vehicle theft," changes the elements for motor vehicle theft in the first degree and second degree, and creates the offense of motor vehicle theft in the third degree. The penalties for motor vehicle theft are no longer based on

the value of the vehicle or vehicles stolen. The act makes motor vehicle theft in the first degree a class 3 felony, motor vehicle theft in the second degree a class 4 felony, and motor vehicle theft in the third degree a class 5 felony.

The act creates the offense "unauthorized use of a motor vehicle" and makes it a class 1 misdemeanor, or a class 5 felony for a second or subsequent offense.

For the 2023-24 state fiscal year, \$24,409 is appropriated from the Colorado DRIVES vehicle services account in the highway users tax fund to the division of motor vehicles in the department of revenue for DRIVES maintenance and support.

APPROVED by Governor June 2, 2023

EFFECTIVE July 1, 2023

S.B. 23-164 Sex offender management board - recommendations of the department of regulatory agencies - guidelines and standards - providers - updates to treatment options - data collection, study, and report - specifics for juvenile offenders - sunset continuation - appropriation. The act implements the recommendations of the department of regulatory agencies' sunset review and report on the sex offender management board (board) by:

- Continuing the board for 5 years, until September 1, 2028;
- Clarifying that supervising officers are required to follow guidelines and standards and directing agencies that employ supervising officers to collaborate with the board to hold accountable those who fail to do so;
- Repealing the limitation on the number of treatment providers (providers) given to offenders when choosing a provider, and requiring that the supervising agency of each adult sex offender and juvenile who has committed a sexual offense (offender) shall provide the offender with a complete list of approved providers who have the expertise to work with the specific risks and needs of that particular offender. If the offender is a person with an intellectual and developmental disability, the supervising agency shall make a recommendation to a provider approved by the board to work with that population.
- Requiring standards compliance reviews on at least 10% of providers every 2 years;
- Updating language concerning fingerprints to reflect current practice; and
- Relieving the department of regulatory agencies of its responsibility to publish a list, together with the board, of approved providers.

In addition to the recommendations made by the department of regulatory agencies in its sunset review and report, the act:

- Updates and clarifies the definitions for "adult sex offender", "juvenile who has committed a sexual offense", and "sex offender";
- Requires each presentence report prepared regarding an offender contain the results of an evaluation for treatment and risk, procedures for monitoring behavior for the protection of victims and potential victims, and an identification developed pursuant to statute;
- Ensures that, to the extent possible, treatment options for an offender are responsive to the age and developmental status of the offender at the time of treatment, as well as the linguistic, cultural, religious, and racial characteristics; sexual orientation; gender identity; and gender expression of the offender being treated;
- Requires the board, in collaboration with the state board of parole, to revise the

specific sex offender release guideline instrument, on or before December 1, 2023, for those inmates classified as sex offenders with determinate sentences. The revised release guideline instrument must incorporate the concepts of risk-need-responsivity or another evidence-based correction model and be as flexible as possible to ensure that the offender has timely access to necessary programs.

- Requires the department of corrections (department) to identify all inmates who are classified to undergo treatment, eligible to receive treatment, and have not been provided with the opportunity to receive such treatment while incarcerated. For each such inmate, the department is required to report specified individual data to the board on or before July 31, 2023.
- Further requires the department to report to the board aggregate data on the identified offender population on or before July 31, 2023;
- Creates a subcommittee of the board with representative stakeholders to:
 - Study and develop solutions to address treatment resources for offenders who are incarcerated or in the custody of the department;
 - Analyze data and identify barriers faced by the department in providing timely access to treatment to offenders;
 - Make recommendations for eliminating those barriers;
 - Review and consider revisions to the department's policies and regulations to prevent unnecessary backlog in making treatment accessible to inmates who require treatment to meet parole eligibility requirements;
 - Review parole guidelines for offenders with determinate sentences and make revisions to prevent unnecessary backlog in treatment to meet parole eligibility requirements; and
 - Determine how to increase the number and availability of approved providers and other resources for offenders.
- Clarifies that placements and treatment options for juvenile offenders must reflect the complex needs of the juveniles served and that the division of youth services is responsible for working with juvenile offenders;
- Allows the department to employ or contract with an individual or entity to provide sex-offender-specific evaluation, treatment, or polygraph services if the director of the program is a board-approved provider and conforms with the guidelines and standards established by the board; and
- Specifies the qualifications that providers must have and when the department may terminate a contract with a provider.

For the 2023-24 state fiscal year, \$163,946 is appropriated from the general fund to the department of public safety for use by the division of criminal justice for sex offender supervision. An additional \$43,122 is appropriated from the general fund to the judicial department for general courts administration.

APPROVED by Governor June 5, 2023

EFFECTIVE June 5, 2023

S.B. 23-169 Offenses related to firearms - unlawful purchase of a firearm if less than 21 years of age. Current law allows a person who is 18 years of age or older to knowingly possess or purchase a firearm. The act increases the age to legally purchase a firearm to 21 years of age or older.

The act makes the unlawful purchase of a firearm by a person who is less than 21 years of age a class 2 misdemeanor and makes it unlawful for a licensed or unlicensed gun dealer to facilitate

such a sale. Exceptions include:

- The person is an active member of the United States armed forces; or
- The person is a peace officer or certified by the P.O.S.T. board.

APPROVED by Governor April 28, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-249 False reporting of emergency - penalties. The act adds that the false reporting of a mass shooting or active shooter in a public or private place or vehicle that transports people or property that causes the occupants of a building, place of assembly, or facility of public transportation to be evacuated or to be issued a shelter-in-place order; causing any disruptions or impacts to regular activities; or resulting in the initiation of a standard response protocol is a class 6 felony.

The act specifies that false reporting of an emergency is a class 1 misdemeanor if the threat causes the occupants of a building, place of assembly, or facility to be issued a shelter-in-place order, the threat causes any disruptions or impacts to regular activities, or the threat results in the initiation of a standard response protocol in response to the false report.

The act adds to the "Victim Rights Act" that a crime includes the false reporting of an emergency that is bias motivated.

APPROVED by Governor June 7, 2023

EFFECTIVE June 7, 2023

S.B. 23-254 Criminal search and seizure - no-knock search warrants - warrant execution requirements - warrantless entry requirements. Under current law, a court may only grant a no-knock search warrant under certain circumstances. The act adds a requirement that there is either probable cause for an arrest of a suspect or no-knock entry is necessary because of a credible threat to the life of any person including the executing officers.

The act requires a peace officer executing a search warrant on a dwelling to:

- Execute the warrant between the hours of 7 a.m. and 7 p.m. unless the judge authorizes execution at another time;
- Be readily identifiable as a law enforcement officer in uniform, wearing a visible law enforcement badge;
- Wear and activate a body-worn camera when entering a premises; and
- Knock and announce the officer's presence at a volume loud enough for the officer to reasonably believe the occupants inside can hear and allow a reasonable amount of time before entering given the size of the dwelling for someone to get to the door, except when the court authorizes a no-knock warrant or if the circumstances known to the officer at the time provide a objectively reasonable basis that a no-knock entry or not waiting a reasonable amount of time is necessary because of an emergency threatening life of or grave injury to a person, provided that the imminent danger is not created by law enforcement itself.

The act requires a peace officer who makes a warrantless entry into a dwelling to:

- Wear and activate a body-worn camera when entering a premises for the purpose of enforcing the law; and
- Knock and announce the officer's presence at a volume loud enough for the officer to reasonably believe the occupants inside can hear and allow a reasonable amount of time before entering given the size of the dwelling for someone to get to the door, except if the circumstances known to the officer at the time provide an objectively reasonable basis to believe that a no-knock entry or not waiting a reasonable amount of time is necessary because:
 - An emergency threatens the life of or grave injury to a person, provided that the imminent danger is not created by law enforcement itself; or
 - The officer is in hot pursuit of a fleeing suspect.

APPROVED by Governor June 6, 2023

EFFECTIVE June 6, 2023

S.B. 23-279 Firearms - unlawful conduct involving an unserialized firearm, frame, or receiver - penalty - serializing firearm frames and receivers - machine gun conversion devices. The act defines terms related to federal firearm licenses and firearm components, including "frame or receiver of a firearm" and "unfinished frame or receiver." The act prohibits:

- On and after January 1, 2024, knowingly possessing or transporting an unfinished firearm frame or receiver, unless it has been imprinted with a serial number as required by federal law;
- Knowingly selling, offering to sell, transferring, or purchasing an unfinished firearm frame or receiver, unless it has been imprinted with a serial number as required by federal law;
- On and after January 1, 2024, knowingly possessing, purchasing, transporting, or receiving a firearm or frame or receiver of a firearm that is not imprinted with a serial number;
- Knowingly selling, offering to sell, or transferring a firearm or frame or receiver of a firearm that is not imprinted with a serial number; and
- Manufacturing or causing to be manufactured a frame or receiver of a firearm; unless the manufacturer is a federally licensed firearm manufacturer.

The act includes exceptions for each type of prohibited conduct, including specified exceptions for conduct involving federal firearm licensees and transfers to serialize a frame or receiver.

A person who commits any of the prohibited conduct commits unlawful conduct involving an unserialized firearm, frame, or receiver. Unlawful conduct involving an unserialized firearm, frame, or receiver is a class 1 misdemeanor; except that a second or subsequent offense is a class 5 felony.

The act requires a person who, on the effective date of the act, owns a firearm, frame, or receiver that the person manufactured and that is not imprinted with a serial number by a federal firearms licensee, to have the firearm, frame, or receiver imprinted with a serial number no later than January 1, 2024.

The act prohibits the Colorado bureau of investigation from approving the transfer of a firearm to a person who was convicted of misdemeanor unlawful conduct involving an unserialized

firearm, frame, or receiver within 5 years prior to the transfer. A person convicted of felony unlawful conduct involving an unserialized firearm, frame, or receiver is prohibited from possessing a firearm or other weapon.

The act permits a federal firearms licensee to imprint a serial number on a firearm or a firearm frame or receiver and establishes a process and requirements for licensees to serialize firearms.

Existing law prohibits possession of a dangerous weapon. The act defines "machine gun conversion device" and makes machine gun conversion devices a dangerous weapon under Colorado law.

APPROVED by Governor June 2, 2023

PORTIONS EFFECTIVE June 2, 2023
PORTIONS EFFECTIVE January 1, 2024

H.B. 23-1034 Postconviction DNA testing - eligibility - standard for testing - subsequent petitions - relief after testing. Under current law, an incarcerated person can motion the court for postconviction DNA testing to prove the person's actual innocence if DNA testing was not available at the time of the person's prosecution. The bill changes who can apply for postconviction DNA testing to include a person convicted of or adjudicated not guilty by reason of insanity for a felony offense in Colorado, including a person currently incarcerated; a person on parole or probation for a felony offense; a person subject to sex offender registration; or a person who has completed the sentence imposed for the felony offense (eligible person).

The act allows an eligible person to apply for postconviction DNA testing:

- To show a reasonable probability that the person would not have been convicted; or
- If evidence was previously available and tested and the evidence now can be subjected to more advanced, scientifically reliable DNA testing that provides a reasonable likelihood of more probative results.

The act permits the court to order postconviction DNA testing if there is a reasonable probability that the petitioner would not have been convicted if favorable results had been obtained through DNA testing at the time of the original prosecution.

The act allows a court to consider a subsequent petition with new or different grounds for relief if the petitioner establishes good cause or the interests of justice so require.

If the results of DNA testing are favorable to the petitioner, the court shall schedule a hearing within 30 days after the results to determine appropriate relief to be granted including, but not limited to, an order setting aside or vacating the petitioner's conviction. The act requires the district attorney to notify the victim of the hearing at which the victim can appear.

APPROVED by Governor March 10, 2023

EFFECTIVE October 1, 2023

H.B. 23-1086 Asset forfeiture reports - appropriation. The act requires that a report related to a seizure and forfeiture include the estimated value and equity of the property and information on the outcome of the forfeiture proceeding.

The act appropriates \$22,549 to the department of local affairs that is reappropriated to the office of the governor for use by the office of information technology and includes 0.2 FTE.

APPROVED by Governor June 7, 2023

EFFECTIVE September 1, 2023

NOTE: This act was passed without a safety clause.

H.B. 23-1135 Indecent exposure - felony if in view of a child - appropriation. The act makes indecent exposure a class 6 felony if committed when the person who commits indecent exposure knew there was a child under 15 years of age in view of the exposure and the person is more than 18 years of age and more than 4 years older than the child.

The act appropriates \$54,797 to the judicial department from the general fund for the 2023-24 state fiscal year for probation programs and capital outlay.

APPROVED by Governor June 7, 2023

EFFECTIVE June 7, 2023

H.B. 23-1138 Competency evaluations and reports - when defendant is found to be imminent danger to self or others - removal to behavioral health administration's care coordination services - civil certification - petition. The act removes the requirement that if a defendant is in jail or an inpatient setting, a finding that the defendant is an imminent danger to the defendant's self or others is required for the competency evaluation and report. If the competency evaluation determines that the defendant meets the criteria for civil certification and inpatient services, the behavioral health administration (BHA) shall, directly or through a contract, provide care coordination services for the defendant. If the court orders, as a condition of bond, that restoration to competency take place on an outpatient basis, the department of human services is responsible for the oversight of restoration education and coordination of services.

Under specific conditions, the act allows that upon petition of the district attorney, a professional person, a representative of the BHA, a representative of the office of civil and forensic mental health, or other responsible person, a court may certify a respondent for short-term treatment in the custody of the BHA for not more than 3 months without requiring an emergency 72-hour hold. A court shall not accept a petition for certification for short-term treatment unless the respondent has a documented refusal to certified treatment.

Upon filing of the petition, the court shall immediately appoint an attorney to represent the respondent. The respondent's attorney may request a jury trial within 14 days after receipt of the petition. The respondent has the right to an attorney for all proceedings conducted related to the respondent's competency and certification for treatment and services.

The respondent may, at any time, file a written request to contest the petition, in which case the court shall set the hearing no later than 14 days after the petition was filed. If, after hearing all of the relevant evidence, the court finds grounds for certification have been established by clear and convincing evidence and that the BHA is able to provide adequate and appropriate treatment for the

respondent that will likely be beneficial to the respondent's recovery, the court shall commit the respondent to the BHA's custody.

APPROVED by Governor June 7, 2023

EFFECTIVE July 1, 2024.

NOTE: This act was passed without a safety clause.

H.B. 23-1143 Peace officer certification eligibility - law enforcement agency firearms policy - eligible immigrants - rules. The act permits the peace officers standards and training (P.O.S.T.) board to promulgate rules concerning persons who have deferred action status from the federal immigration and naturalization service or who have applied for asylum status (eligible immigrants) to be a certified peace officer or reserve peace officer.

The act permits every law enforcement agency to amend its written firearms policy to allow an eligible immigrant to possess a firearm, so long as the firearms policy complies with federal requirements. The act authorizes an eligible immigrant to enroll in a training academy if the immigrant is employed by a law enforcement agency that has a firearms policy that allows an eligible immigrant to possess a firearm.

APPROVED by Governor April 27, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1151 Bond hearings - 48-hour hearing requirement. Current law requires an individual who is in jail to be brought before a judge for a bond hearing within 48 hours of arriving at the jail. The act clarifies the circumstances when the 48-hour requirement does not apply when the individual is unable to attend court. When an arrestee is unable to attend court within the 48-hour requirement, the sheriff shall create a list of those individuals, the date of the individual's arrest, and the location where the individual is in custody. The sheriff shall document the length of the delay, the reason for the delay, and the efforts to abate a delay caused by an emergency. As soon as an emergency has sufficiently abated, the act requires the sheriff to make the in-custody arrestee available to appear.

The act also clarifies that the 48-hour requirement applies regardless of whether:

- The individual is held in custody in a jurisdiction other than the one that issues the arrest warrant;
- Money bond was previously set ex parte; or
- The in-custody arrestee did not appear for a first appearance.

APPROVED by Governor April 20, 2023

EFFECTIVE October 1, 2023

H.B. 23-1155 Custodial interrogation - admissibility - advisement of Miranda rights. The act requires that, for a statement made during a custodial interrogation to be admissible against the defendant in a criminal proceeding, the defendant must be advised of the following prior to making the statement:

- You have the right to remain silent;
- Anything you say can and will be used against you in a court of law;

- You have the right to consult a lawyer prior to questioning and have the lawyer present during questioning;
- If you cannot afford to hire a lawyer, a lawyer will be appointed to represent you before any questioning if you request one; and
- You can stop the interview and request to remain silent or request a lawyer at any time before or during questioning.

APPROVED by Governor May 15, 2023

EFFECTIVE July 1, 2023

H.B. 23-1167 Controlled substance penalties - immunity or lesser charge for providing aid during overdose. Under current law, a person is immune from arrest and prosecution of certain criminal offenses if the person reports an overdose to an emergency responder and satisfies additional requirements related to the reporting. The act extends the immunity to a person who does not report the overdose to an emergency responder, but aids or seeks aid for the person suffering the overdose and satisfies additional requirements related to the reporting.

The act also extends that immunity from arrest and prosecution to the following criminal offenses:

- Unlawful possession of a controlled substance if the material, compound, mixture, or preparation contains fentanyl, carfentanil, benzimidazole opiate, or an analog thereof; and
- Unlawful distribution or transfer of the controlled substance for the purpose of consuming all of the controlled substance with another person at a time substantially contemporaneous with the transfer, if the distribution or transfer involves certain controlled substances.

The act makes it a level 1 drug misdemeanor rather than a level 3 or level 4 drug felony for unlawful distribution, dispensation, or sale of certain controlled substances if the person reports an overdose to an emergency responder, or aids or seeks aid for the person suffering the overdose, and satisfies additional requirements related to the reporting.

APPROVED by Governor May 1, 2023

EFFECTIVE May 1, 2023

H.B. 23-1187 Alternative sentencing - bond - pregnant or postpartum defendants or juveniles. In determining bond or an alternative sentence for a pregnant or postpartum defendant (defendant), the act creates a rebuttable presumption against detention and incarceration of a defendant if the defendant provides the court and district attorney with notice of the defendant's status as a pregnant or postpartum defendant at each applicable stage of the court proceedings. If the court decides to detain or incarcerate the defendant, the act requires the court to make specific findings on the record that the risk to public safety, or any other factor the court is required to consider, is substantial enough to outweigh the risks related to incarceration. Notwithstanding the provisions of the act, a court shall not:

- Set bond or release the pregnant or postpartum defendant on bond if the pregnant or postpartum defendant is ineligible for bond;
- Accept an agreement or impose an alternative sentence if the pregnant or postpartum defendant is ineligible for a diversion program, deferred judgment, probationary sentence, or another form of alternative sentence; or

- Apply the rebuttable presumption if a pregnant or postpartum defendant was convicted of a crime of violence.

If a defendant is arrested or in custody at a county jail or correctional facility, the defendant may request a pregnancy test following admission to the county jail or correctional facility. Staff at the county jail or correctional facility shall provide a pregnancy test to the defendant within 24 hours after the request. Requesting the test, taking the test, and results of the test are confidential medical information and must not be disclosed, except when the defendant receives medical care.

The act allows a court to consider the following forms of alternative sentencing for a defendant:

- A diversion;
- A deferred judgment and sentence; or
- A stay of execution (stay).

If the defendant is convicted of a new crime or violates substantive conditions imposed by a court while a stay is imposed, the court may add conditions, issue warrants, end the stay, or continue the stay.

The act applies to pregnant or postpartum juveniles (juvenile). In determining commitment, bond, or an alternative sentence for a juvenile, the act creates a rebuttable presumption against detention and commitment if the juvenile provides the court and district attorney with notice of the juvenile's status as a pregnant or postpartum juvenile at each applicable stage of the court proceedings. If the court decides to detain or commit the juvenile, the act requires the court to make specific findings on the record that the risk to public safety, or any other factor the court is required to consider, is substantial enough to outweigh the risks related to detention or commitment. The act allows the following forms of alternative sentencing for a juvenile:

- A diversion;
- A deferred judgment and sentence; or
- A stay.

Notwithstanding the provisions of the act, a court shall not:

- Set bond or release the pregnant or postpartum juvenile on bond if the pregnant or postpartum juvenile is ineligible for bond;
- Accept an agreement or impose an alternative sentence if the pregnant or postpartum juvenile is ineligible for a diversion program, deferred judgment, probationary sentence, or another form of alternative sentence; or
- Apply the rebuttable presumption if a pregnant or postpartum juvenile was convicted of a crime of violence.

Current law requires a court to admit in a criminal proceeding information that is reported by mandatory reporters related to a defendant's substance use discovered in the course of medical care related to pregnancy. The act eliminates the requirement.

APPROVED by Governor May 23, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1199 Sexual assault evidence collection kits - technology resources - reports - appropriation. The act requires the department of public safety (department), by June 30, 2025, to develop and maintain a statewide system (system) for victims of alleged sexual assault to monitor the status of their sexual assault evidence collection kit. The system must also provide relevant information for victims regarding the processing, custody, analysis, and destruction of evidence, as well as contact information for law enforcement and victim resources. The department is required to submit an annual report to the house of representatives and senate judiciary committees concerning information related to the status of sexual assault evidence collection kits reported into the system.

Under current law, the division of criminal justice (division) in the department administers the sexual assault victim emergency payment program (program), which assists victims of sexual assault with medical expenses associated with a sexual assault. The act permits a law enforcement agency to request reimbursement of costs associated with the collection of forensic evidence for a victim through the program, subject to an annual cap. The act also requires the division to develop and maintain a system to track claims, process invoices, sort information, and produce reports concerning the program. The division is required to submit an annual report to the house of representatives and senate judiciary committees concerning information related to the program.

For the purpose of a mandatory protection order, the act expands the definition of "until final disposition of the action".

For the 2023-24 state fiscal year, \$523,686 is appropriated from reappropriated funds received by the department from the Colorado crime victim services fund to the office of information technology to implement the act.

APPROVED by Governor May 25, 2023

EFFECTIVE May 25, 2023

H.B. 23-1214 Commutation of criminal sentence - application procedure - appropriation. The act formalizes and establishes details concerning the process for an incarcerated individual (applicant) to apply for a commutation of sentence. The process includes the creation of a new position of an executive clemency representative. The executive clemency representative is responsible for coordinating all aspects of the applicant's application, including gathering information from the district attorney who prosecuted the applicant's case. The district attorney is responsible for notifying the victim and victim's family of the application. A list of factors is set forth that executive clemency board may consider when evaluating the applicant's application. The governor retains the ultimate decision-making authority whether to commute a sentence.

The act appropriates \$28,221 to the office of the governor from the general fund to implement the act.

VETOED by Governor May 16, 2023

H.B. 23-1219 Firearm sales - waiting period. The act establishes a waiting period before a firearms seller may deliver a firearm to a purchaser. The waiting period is the later in time of 3 days after the initiation of a required background check of the purchaser or when the purchase is approved following any background check. Delivering a firearm prior to the expiration of the waiting period is a civil infraction, punishable by a \$500 fine for a first offense and a \$500 to \$5,000 fine for a second or subsequent offense.

The waiting period does not apply to the sale of an antique firearm or a curio or relic; the sale of a firearm by a person serving in the armed forces who will be deployed outside of the United States within the next 30 days to any family member; or a firearm transfer for which a background check is not required pursuant to state or federal law.

APPROVED by Governor April 28, 2023

EFFECTIVE October 1, 2023

NOTE: This act was passed without a safety clause.

H.B. 23-1286 Cruelty and aggravated cruelty to service animals, certified police working dogs and police working horses - fines - restitution. The act increases monetary penalties for cruelty and aggravated cruelty to service animals, certified police working dogs, and police working horses.

APPROVED by Governor June 2, 2023

EFFECTIVE June 2, 2023

H.B. 23-1292 Criminal enhanced sentencing - modification of consecutive crime of violence sentences - modification of habitual sentencing. Current law requires the court to sentence a person convicted of 2 or more separate crimes of violence arising out of the same incident so that the person's sentences are served consecutively rather than concurrently. For offenses committed on or after July 1, 2023, the act allows a person to petition the court for a modification of the consecutive sentences imposed after at least 2 calendar years but no more than 5 calendar years after the final judgment of conviction or sentence is entered. The court may modify the terms of the sentence if the court finds substantial mitigating factors surrounding the case and if the person has demonstrated substantial actions toward rehabilitation as evidenced by engagement in positive programming; assigned work; treatment, when available; and behavior that is compliant with the rules of the facility or facilities where the person is or was placed.

The act allows the court to sentence the defendant to concurrent sentences for 2 or more crimes of violence arising from the same incident when:

- The parties agreed to waive ineligibility for concurrent sentences; or
- The following factors are proven by a preponderance of the evidence by the defendant or stipulated by the parties at the sentencing hearing:
 - The defendant has no prior felony convictions for a victim rights offense; and
 - The defendant did not use or possess a firearm or explosive in the commission of the offense or threaten the use of a firearm or explosive during the commission of the offense; and
 - The defendant's action did not result in serious bodily injury or death.

For offenses committed on or after July 1, 2023, a defendant convicted and sentenced as an habitual offender who has been sentenced to 24 years or more and has served at least 10 calendar years of the sentence is allowed to petition the court for a modification of that sentence and any other habitual sentence. The defendant has the burden of demonstrating, by a preponderance of the evidence, that there are substantial mitigating factors regarding the circumstances of the offense or offenses or mitigating factors regarding the circumstances of the defendant at the time of conviction; that the defendant has demonstrated positive, engaged, and productive behavior in the department of corrections; and that the defendant does not currently present a risk to the community at large. If the court determines that a modification of sentence is justified, the court may resentence the

defendant to a term of at least the midpoint in the aggravated range for the class of felony for which the defendant was convicted, up to a term less than the current sentence.

APPROVED by Governor June 1, 2023

EFFECTIVE July 1, 2023

H.B. 23-1293 Criminal sentencing - felony reclassification - appropriation. The act reclassifies various criminal offenses that are currently a felony to a different felony or misdemeanor level. The act changes the elements of some crimes to align with the new sentencing classifications.

The act appropriates \$32,170 from the general fund to the judicial department for probation programs and services and for capital outlay.

APPROVED by Governor June 1, 2023

EFFECTIVE October 1, 2023

EARLY CHILDHOOD PROGRAMS AND SERVICES

S.B. 23-216 Department of early childhood - Colorado universal preschool program. Current law requires the general assembly to transfer money to the preschool programs cash fund from the general fund or the state education fund in the 2023-24 and 2024-25 state fiscal years. Beginning in the 2024-25 state fiscal year, the amount transferred is required to increase by the rate of inflation.

The act repeals those requirements and instead requires the general assembly to appropriate money to the department of early childhood (department) for the 2023-24 state fiscal year for purposes of the Colorado universal preschool program. Beginning in the 2024-25 state fiscal year, and each year thereafter, the amount appropriated must increase annually by the rate of inflation.

APPROVED by Governor April 20, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-269 Colorado universal preschool program - provider participation bonus program - appropriation. The act creates the Colorado universal preschool program provider participation bonus program (bonus program). The bonus program requires a one-time bonus payment to any eligible preschool provider (provider) that participates in the preschool program established in the department of early childhood (department). The department can award additional bonus payments to eligible recipients that maintain or increase their licensed capacity to serve infants and toddlers between April 1, 2022, and April 1, 2024. Subject to available appropriations, the department shall also award bonus payments to eligible recipients located in low-capacity preschool areas.

The purpose of the bonus program is to:

- Increase provider participation in the Colorado universal preschool program (preschool program) to ensure that all children have access to a universal preschool classroom in their communities;
- Strengthen the mixed delivery system by supporting providers that have not previously participated in the Colorado state-run preschool program; and
- Preserve access to infant and toddler care.

Providers are required to use the bonus payments to implement or support the preschool program or maintain or expand infant and toddler care.

The department is required to report to the joint budget committee on or before September 1, 2024, on the number and types of providers that receive bonus payments and the number and types of bonus payments awarded.

The bonus program is repealed, effective July 1, 2025.

The act appropriates \$2,500,000 from the general fund to the department for purposes of the program.

APPROVED by Governor June 2, 2023

EFFECTIVE June 2, 2023

H.B. 23-1235 Department of early childhood - technical changes. Title 26.5 of the Colorado Revised Statutes relates primarily to early childhood programs and services. In 2022, the general assembly enacted House Bill 22-1295, which established the duties of the department of early childhood (department), relocated early childhood programs from the departments of human services and education to the department, and created the Colorado universal preschool program in the department.

The act makes technical changes to title 26.5 and related statutes, including:

- Updates language regarding gifts, grants, and donations to achieve statutory uniformity;
- Allows the department to enter into a contract with an organization to provide early literacy programming and related supports and whole-child services;
- Adds the executive director of the department to the health equity commission;
- Adds the commissioner of the behavioral health administration to the Colorado child abuse prevention board;
- Clarifies reporting dates to ensure the department can complete and report data in a timely manner;
- Clarifies the department's responsibilities concerning child abuse or neglect record checks;
- Amends background and record check language to align with current federal and state practices and standards;
- Clarifies definitions;
- Updates references from "ICON" to "Colorado state courts data access system"; and
- Eliminates technical language no longer used in child care licensing.

APPROVED by Governor June 7, 2023

EFFECTIVE June 7, 2023

EDUCATION - PUBLIC SCHOOLS

S.B. 23-3 Colorado adult high school program - grant - appropriation. The act creates the Colorado adult high school program (program) in the office responsible for adult education within the department of education (department). The purpose of the program is to create a pathway for Coloradans who are 21 years of age or older and do not have a high school diploma to attend high school and earn a diploma at no cost. Students may also earn industry-recognized certificates, career and technical education certificates, or college credits at no cost through the program.

The act requires the department to award a grant to a Colorado community-based nonprofit organization (organization) to operate the program as an education provider. The education provider is required to:

- Secure and maintain a building for the program;
- Contribute funding annually for operating and facility costs;
- Hire educators and school personnel, including life coaches who help students navigate academic and personal challenges;
- Propose an academic accountability system with the approval of the department;
- Establish minimum graduation requirements;
- Award Colorado high school diplomas to students who successfully complete the graduation requirements;
- Use an evidence-based educational model that a third-party evaluator has proven effective;
- Develop courses that may be offered to student in person;
- Develop online courses for students who take classes in person and demonstrate academic readiness for remote course work;
- Consult with a nonprofit organization that has successfully implemented an evidence-based educational model for adults in another state;
- Serve all students, regardless of immigration status;
- Enroll no more than 400 students at one time;
- Comply with state and federal laws concerning students with disabilities, including students with accommodations pursuant to section 504 of the federal "Rehabilitation Act of 1973";
- Create individualized education programs for students with disabilities;
- Collaborate with local district colleges, community colleges, area technical colleges, or local career and technical education programs to ensure access to courses that can lead students to graduate with industry-recognized certificates;
- Fund industry-recognized and career and technical certificate programs at no cost to students;
- Create a plan in collaboration with institutions of higher education to authorize teachers to teach courses for students to obtain college credit and to align teacher qualification requirements with the state concurrent enrollment program;
- Operate a licensed, on-site child care center for students with children; and
- Offer transportation assistance to students who enroll in the program.

The department is required to establish a fair and transparent application process in order to

select an organization to operate the program. The application process must include input from the office within the department responsible for adult education.

On or before July 31, 2025, July 31, 2026, and March 30, 2027 the education provider is required to report to the department on the status of the program. On or before November 30, 2025, November 30, 2026, and June 30, 2027, the department is required to report the status of the program to the house of representatives education committee and the senate education committee, or their successor committees, including but not limited to:

- Student demographic data disaggregated by race, ethnicity, socioeconomic status, age, gender, and disability;
- Accountability measure outcomes; and
- The number of industry-recognized certificates, college credits, and overall average credit attainment that students earn each term.

The program repeals July 1, 2027.

The act appropriates \$5 million from the general fund to the department for the program and for legal services.

APPROVED by Governor June 6, 2023

EFFECTIVE June 6, 2023

S.B. 23-4 School-based therapists - eligibility. Under current law, a mental health professional must be licensed by the department of education (department) in order to work in a school. The act authorizes a school or school district, the state charter school institute, a board of cooperative services that operates a school, or the division of youth services to employ school-based therapists who are not licensed by the department but hold a Colorado license for their profession to work in coordination with licensed special service providers to coordinate mental health supports for students. Before being employed, the school-based therapists must satisfy certain requirements for nonlicensed school employees, including a fingerprint-based criminal background check. Any school-based therapists may be supervised by a mentor special services provider or a licensed administrator. If an eligible school-based therapist provides services to a student related to the student's individualized education program, the eligible school-based therapist must have qualifications consistent with the student's individualized education program.

APPROVED by Governor May 4, 2023

EFFECTIVE May 4, 2023

S.B. 23-7 Adult education - adult education and literacy grant program - high school diplomas - appropriation. Current law requires adult education providers (providers) that participate in the department of education's (department) adult education and literacy grant program (program) to offer eligible adults basic education in literacy and numeracy that leads to additional skills acquisition, postsecondary credential attainment, and employment. The act adds "digital literacy" to the basic

education offered to eligible adults and adds that an eligible adult may earn a high school diploma or equivalency certificate.

The act describes services that providers may offer to eligible adults, which include in-person or online instruction, the development of learning plans, coaching, and mentorship. The act amends the reporting requirements for providers of the program, including that administrative costs not exceed 10% of the awarded funds.

The act permits the office within the department that is responsible for adult education to use data matching with relevant state agencies to determine post-program participation outcomes.

The act allows community colleges, area technical colleges, and local district colleges (colleges) to develop and implement minimum graduation requirements for a high school diploma based on the high school graduation requirements of a school district within the geographic area of the colleges. Colleges are required to award a high school diploma to a student who successfully completes the high school graduation requirements implemented by the colleges.

The act appropriates \$2 million from the general fund to the department for the program.

APPROVED by Governor June 2, 2023

EFFECTIVE June 2, 2023

S.B. 23-8 Youth involvement state education standards - appropriation. The act creates several opportunities for youth, defined as the age of eligibility for membership in the Colorado youth advisory council, to be involved in the review of the state's education standards. Youth representatives are appointed as follows:

- The commissioner of education (commissioner) shall appoint youth representatives from nominations submitted by schools throughout the state to participate in the standards development process, which includes community engagement;
- The commissioner shall appoint 2 youth representatives to any regional educator meetings; and
- Each local education provider shall appoint 2 youth representatives to any review committees for local education providers.

In each instance, the appointing authority shall select the youth representatives from nominations submitted by schools throughout the state, and, when possible, one must be from an urban area and one must be from a rural area.

Youth representatives may be reappointed pursuant to each committee's process. The department of education (department) may compensate youth representatives for actual expenses incurred with participation, and, if appropriate, provide a stipend in an amount determined by the department.

The department shall promote the opportunities for youth involvement and request schools

nominate youth to participate.

For the 2023-24 state fiscal year, the act appropriates \$7,650 to the department of education from the general fund. The department may use this appropriation for content specialists.

APPROVED by Governor April 26, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-23 High school - CPR training. The act encourages all public high schools and all high schools that participate in the Colorado comprehensive health education program in the state to provide instruction on cardiopulmonary resuscitation and the use of an automated external defibrillator to students in grades 9 through 12.

APPROVED by Governor March 23, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-29 School discipline task force - report - appropriation. The act creates the school discipline task force (task force) to study and make recommendations regarding school district discipline policies and practices, state and local discipline reporting requirements, and local engagement.

The task force consists of 18 members, including the legislative member who is the chair of the Colorado youth advisory council review committee (review committee); the executive director of the department of early childhood or the executive director's designee; the commissioner of education (commissioner) or the commissioner's designee; representatives of statewide education organizations; and former students who attended Colorado public schools and who have lived experience with the school discipline system. The commissioner is required to call the first meeting of the task force.

The task force is required to:

- Define "disproportionate discipline";
- Review the department of education's (department) standardization of discipline data;
- Review the department's plan for creating school district and charter school institute profile reports;
- Determine whether the department's standardization of discipline data should include reports of alternative disciplinary measures taken prior to a student's suspension or expulsion;
- Recommend processes and provide resources for public engagement in a local school district board of education's discussions of discipline data;
- Review existing public engagement processes;

- Review best practices identified by the department concerning dropout prevention and student re-engagement;
- Identify alternative approaches to discipline, including but not limited to positive behavioral interventions and supports, bullying intervention and prevention, and behavior intervention plans, and address concerns around workforce and other resource shortages in school districts in relation to school discipline practices and reporting; and
- Recommend legislative and administrative changes, as necessary, and analyze the costs and time frames required to implement the changes.

The task force is required to submit a final report on or before August 1, 2024. The task force is required to present its findings and recommendations to the review committee during the first meeting of the review committee in 2024.

Current law encourages school districts to consider certain factors before suspending or expelling a student. The act requires school districts to consider those factors before suspending or expelling a student, which include the age and disciplinary history of the student, whether the student has a disability, the seriousness of the violation, whether the violation threatened the safety of any student or staff member, and whether a lesser intervention would properly address the violation.

The act appropriates \$164,398 from the general fund to the department to implement the task force. The act also appropriates \$1,415 from the general fund to the legislative department for use by the general assembly for legislator per diem and travel reimbursement to participate on the task force.

APPROVED by Governor June 2, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-65 Career development success program - requirement changes - boards of cooperative services eligible - repeal - appropriation. For the career development success program (program), the act removes the requirement for successful completion of a qualified industry pre-apprenticeship program and the requirement for successful completion of a qualified industry apprenticeship. The act adds boards of cooperative services to the program.

Current law requires the general assembly to annually appropriate \$1 million to the department of education for the program. Beginning in the 2023-24 budget year, and each budget year thereafter, the act increase the appropriation to \$9.5 million.

The act requires a school district or charter school participating in the program to receive 120% of the per-pupil amount for each pupil who is eligible for free or reduced-price lunch and who successfully earned an industry certificate by completing a qualified industry-credential program, a qualified workplace training program, or a qualified advanced placement course.

The act authorizes a participating school district or participating charter school to contract with a third party to provide specified services under the program.

The act extends the repeal date from September 1, 2024, to September 1, 2034.

APPROVED by Governor May 16, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-70 Safe2tell - training for school resource training - operational survey. Beginning on or before August 1, 2024, the act requires the department of law to annually convene a training for school resource officers and school officials to discuss best practices in responding to safe2tell reports, including defining roles, communication about a report, outcome reporting, and training resources to improve school resource officers' support of students and school staff. Safe2tell may conduct a survey to collect data and discussions regarding its operations.

APPROVED by Governor April 27, 2023

EFFECTIVE April 27, 2023

S.B. 23-86 Student leaders institute - change to department oversight - appropriation. The act continues the Colorado student leaders institute program and changes responsibility for the program from the department of higher education to the department of education. This change shifts oversight of the program from a governor-appointed executive board to the state board of education.

The act transfers the long bill appropriation for the program from the department of higher education to the department of education. The bill appropriates \$8,184 from the general fund to department of education to implement the act.

APPROVED by Governor April 27, 2023

PORTIONS EFFECTIVE June 30, 2023

PORTIONS EFFECTIVE July 1, 2023

S.B. 23-87 Teacher licensure and authorizations - teacher degree apprenticeship program - appropriation. As an alternative route to teacher licensure, the act creates a teacher degree apprenticeship program (apprenticeship program). The apprenticeship program builds on elements of current alternative teacher licensure programs, including a bachelor's degree requirement, training programs approved by the state department of education (CDE), and structured on-the-job training. The apprenticeship program is run collaboratively with the United States department of labor office of apprenticeship (DOL office) and the state apprenticeship office (state office) and utilizes apprentice mentor teachers and teacher apprenticeship program sponsors (sponsor).

The act allows CDE to issue a teacher apprenticeship authorization (authorization) to a person (apprentice) who is employed by a school district, board of cooperative services, charter school, or institute charter school (school) who is actively registered in an apprenticeship program, and who is actively enrolled in an affiliated bachelor's degree program from an accredited institution.

The authorization is valid for 4 years while the apprentice completes the bachelor's degree requirement of the program. CDE may renew the authorization for up to 2 successive terms, in increments of 2 years, as necessary for the apprentice to fulfill the apprenticeship requirements. An authorization is invalid if the apprentice withdraws from any part of the apprenticeship program or fails to make satisfactory progress.

Upon application from an entity with expertise in apprenticeship or teacher preparation, CDE shall authorize the entity to serve as a sponsor. Applications to serve as a sponsor must include a proposed work process schedule and related instruction plan required by the DOL office and state office. CDE shall review each application and approve or disapprove the sponsor. If approved, the sponsor may apply to CDE for approval of an apprenticeship program.

An apprenticeship program must meet the following criteria:

- Be registered with the DOL office or state office;
- Incorporate a bachelor's degree program from an accredited institution in a related field of study relative to the licensure type; and
- Incorporate on-the-job training in meaningful and time-saving ways.

Every 5 years after apprenticeship program approval, CDE shall consult with the DOL office or state office concerning the federally required audit of the apprenticeship program to ensure the apprenticeship program continues to meet requirements.

The state board of education is authorized to promulgate rules for the implementation of the apprenticeship program.

For the 2023-24 state fiscal year, \$116,134 is appropriated from the general fund to the department of education.

For the 2023-24 state fiscal year, \$26,435 is appropriated to the department of law from reappropriated funds received from the department of education. The department of law may use this appropriation to provide legal services for the department of education.

APPROVED by Governor May 15, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-94 Colorado school transportation modernization task force - report - appropriation. The act creates the Colorado school transportation modernization task force (task force) in the department of education (department) to create a report containing findings and recommendations to improve school transportation services for students. The department is required to provide relevant data to the task force to inform its duties. The report must be publicly published and submitted to the education committees of the senate and house of representatives, the board of education, and the governor by December 1, 2024.

The act specifies task force membership, including the commissioner of education or the commissioner's designee, and members appointed by the commissioner.

For the 2023-24 budget year, \$95,313 is appropriated from the general fund to the department to implement the act.

APPROVED by Governor May 16, 2023

EFFECTIVE May 16, 2023

S.B. 23-99 School finance - special education services - children with disabilities - appropriation.

The act increases the required annual appropriation to the department of education from the state education fund or the general fund by an additional \$40,203,671 for children who have one or more disabilities and who receive special education services from a school district, board of cooperative services, a charter school network, a charter school collaborative, or the state charter school institute that is providing educational services to exceptional children.

APPROVED by Governor May 15, 2023

EFFECTIVE May 15, 2023

S.B. 23-136 School funding - adjustments for the 2022-23 school year - reducing an appropriation.

The general assembly recognizes that the actual funded pupil count was lower and the at-risk pupil count was higher than expected when the appropriation amount for the state share of total program funding was established during the 2022 legislative session, resulting in an overall increase in total program funding for the 2022-23 budget year.

In addition, the local property tax revenue and specific ownership tax revenue are higher than anticipated, resulting in an increase in the local share of total program funding.

The act declares the general assembly's intent to maintain the budget stabilization factor at the amount of the original appropriation for the 2022-23 budget year.

The act decreases the appropriation for the state share of total program funding by \$76,383,372 in cash funds from the state education fund and adjusts the 2022-23 state fiscal year long bill accordingly.

APPROVED by Governor March 3, 2023

EFFECTIVE March 3, 2023

S.B. 23-202 Graduation ceremonies - wearing of Native American regalia. The act requires a public school or school district to allow a qualified student to wear and display traditional Native American regalia at a school graduation ceremony and applies to pre-kindergarten, kindergarten, primary school, and secondary school graduation ceremonies.

The act requires public colleges and universities to allow a qualified student to wear and display traditional Native American regalia at a college graduation ceremony.

APPROVED by Governor May 4, 2023

EFFECTIVE May 4, 2023

S.B. 23-218 School transformation grant program - repeal administrative cap - appropriation. The act repeals the cap on the amount of money the department of education (department) may expend on administrative costs for the school transformation grant program.

For the 2023-24 budget year, \$115,785 is appropriated from the general fund to the department for the school transformation grant program.

APPROVED by Governor April 17, 2023

EFFECTIVE April 17, 2023

S.B. 23-219 Facility schools - specialized day school - accrediting measures -shared operational services grant program - technical assistance center- appropriation. Current law allows approved facility schools (approved schools) to include day treatment centers, residential child care facilities, facilities licensed by the department of human services, or hospitals licensed by the department of public health and environment. The act creates the specialized day school as a type of approved school. The facility schools board (board) shall promulgate rules for a facility to become authorized to operate as a specialized day school.

Current law requires the board to adopt accountability measures. The act requires the board to adopt accountability and accreditation measures for approved schools. Beginning December 1, 2026, the state board of education shall begin accrediting approved schools based on recommendations of the board. The act requires the board to create an accreditation outcome report for each approved school. The office of facility schools (office) must publish the reports annually.

The act requires the department of education (department), department of human services, the department of health care policy and financing, and the department of public health and environment to collaborate and create an interagency resource guide to provide assistance to facilities that are pursuing licensing or authorization to operate as an approved school. The act requires the state agencies to identify and recommend legislation and changes to each department's respective rules and administrative processes to facilitate licensing, authorization, and approval processes for facilities seeking to operate as approved schools.

The act creates the shared operational services grant program (grant program) to award grants to eligible applicants to contract for 2 years with an organization that coordinates shared operational services. An approved school in conjunction with one or more schools may apply to the grant program for a grant to procure shared operational services that support schools, such as food services, janitorial services, shared office spaces, billing, technical assistance on medicaid services, technology, security, transportation, or purchasing. An organization that provides or coordinates services for approved schools or an agency that oversees approved schools may also apply to the grant program.

The act creates the technical assistance center (center) in the office to provide technical assistance support to school districts and related administrative units, with a priority to serve rural and remote school districts and related administrative units. Beginning in the 2023-24 budget year, the center is required to assess the needs of school districts and related administrative units. Beginning in the 2024-25 budget year, the center shall provide technical assistance support to school districts and related administrative units and prioritize service to rural and remote school districts.

The act creates additional responsibilities for the facility school work group (work group). The work group shall monitor the implementation of changes to the facility school system and educational services for students with exceptionally severe or specialized needs. The act expands work group participation to include parents, guardians, and legal custodians of students with exceptionally severe or specialized needs and therapeutic facilities for students with exceptionally severe or specialized needs that are not approved schools. The act requires the office to contract with a qualified third-party evaluator (evaluator) to evaluate and report whether the work group recommendations resulted in more effective services and better access to those services for students with exceptionally severe and specialized needs.

The act requires the department of health care policy and financing to recommend a plan to provide guidance to approved schools on the eligibility standards required to request and receive medicaid reimbursement funding for therapeutic services to the maximum extent feasible.

The act creates a new baseline funding model for approved schools. The act requires reporting on the new baseline funding model for approved schools.

For the 2023-24 state fiscal year, \$18,780,654 is appropriated to the department from the state education fund to implement this act.

APPROVED by Governor April 20, 2023

EFFECTIVE April 20, 2023

S.B. 23-220 Public school capital construction assistance funding - air quality grants - capital construction assistance supplemental grants - financial capacity factors - transfers - appropriation. During the 2021 legislative session, the general assembly transferred \$10 million from the general fund to the public school capital construction assistance fund (fund) and appropriated this money for air quality improvement grants for schools. Of the money transferred and appropriated for air quality improvement grants, \$4,705,220 remains in the fund and has not been distributed. The appropriation for fiscal year 2021-22 has expired. The act specifies that the unspent money transferred and appropriated for air quality improvement grants must not be used for air quality improvement grants and instead must be used for financial assistance as provided in the "Building Excellent Schools Today Act".

During the 2022 legislative session, the general assembly scheduled a transfer of \$30 million from the marijuana tax cash fund to the fund for June 1, 2023. The act repeals this scheduled transfer before it occurs.

For state fiscal year 2023-24, the act requires the public school capital construction assistance

board (board) to allocate \$49,705,220 from public school capital construction assistance board cash grants to be used for supplemental grants at schools experiencing capital construction project cost overruns as a result of COVID-19 inflationary pressure.

The act changes the financial capacity factors for evaluating the match requirement for public school capital construction projects for school districts and boards of cooperative services. The new factors apply to grants awarded on or after September 1, 2023, and funded on or after July 1, 2024.

The act transfers \$15 million from the state education fund to the fund on June 1, 2023. \$10 million in royalties and other payments for depletion or extraction of natural resources on state lands is credited to the fund for the 2022-23 state fiscal year. The act provides for a reduction of \$294,780 in cash funds appropriated from the fund to the department of education for board cash grants in the 2023 long bill.

APPROVED by Governor May 12, 2023

EFFECTIVE May 12, 2023

S.B. 23-221 Healthy School Meals For All program - funding mechanisms - creation of general fund exempt account - appropriation. At the November 2022 general election, Colorado voters approved proposition FF. Proposition FF created the healthy school meals for all programs (program) and increased taxes to pay for the program.

The act creates the healthy school meals for all program general fund exempt account (account). The department of revenue will deposit the revenue resulting from the tax increase in proposition FF into the account. The department of education (department) will use the tax revenue in the account to implement the program. To the extent that there is not enough money in the account for the department to implement the program, the department may expend money from the general fund for amounts appropriated for the program.

The act also allows for expenditures in excess of appropriations from the fund for limited purposes and clarifies how the appropriations made for the program will be shown in the annual general appropriations act.

Appropriations from the account are excluded from the amount that is used to calculate the statutory general fund reserve, and the unrestricted balance in the account at the end of a fiscal year is excluded from the state general fund surplus.

For the 2023-24 state fiscal year, the act appropriates \$115,339,107 from the account to the department of education and \$14,786 from the account to the department of law.

APPROVED by Governor April 20, 2023

EFFECTIVE April 20, 2023

S.B. 23-258 Educator preparation programs - consolidation - advisory committee - appropriation. The act consolidates the review and approval process for educator preparation programs under the department of education and the state board of education.

The act creates an advisory committee to the state board of education and the department to provide input on relevant topics related to educator preparation and educator quality.

The act anticipates an appropriation of \$108,990 from the educator licensure cash fund to the department of education for the office of professional services.

APPROVED by Governor June 2, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die; except that section 22-60.5-121 (2)(h) takes effect only if House Bill 23-1231 becomes law and takes effect on the effective date of this act or the effective date of House Bill 23-1231, whichever is later. House Bill 23-1231 took effect May 15, 2023.

S.B. 23-287 School finance - per pupil funding - budget stabilization factor repeal - public school finance task force creation - appropriations. The act:

- Increases the statewide base per pupil funding for the 2023-24 budget year by \$598.25, to account for inflation;
- Sets as the new statewide base per pupil funding amount \$8,076.41 for the 2023-24 budget year; and
- Sets the target number for the 2023-24 budget year at not less than \$9,101,600,922.

The act repeals the budget stabilization factor, effective July 1, 2024.

Current law includes a 5-year averaging provision, which determines a district's pupil count for each budget year by determining the greater of the funded pupil count for the applicable budget year or an average of one to 4 of the prior budget years. The act provides a similar averaging provision for the institute charter schools on a per-school basis.

For the 2023-24 budget year, the act appropriates \$30 million for distribution to large rural districts and small rural districts, including district charter schools and each institute charter school whose accounting district is a large or small rural district. Large rural districts receive 55% of the appropriation, and small rural districts receive 45% of the appropriation. The act uses the districts' funded pupil count for the 2022-23 budget year.

For the 2023-24 budget year, a district's at-risk funding is the greater of the district's at-risk funding amount for the 2022-23 budget year or the 2023-24 budget year.

The act amends eligibility criteria for the mill levy override match program to exclude an otherwise eligible school district from receiving a state-funded override mill match if the sum of the district's override mills is equal to or greater than the district's override mill capacity, as defined by statute. For the 2023-24 budget year, the act transfers \$23,376,536 from the state education fund to the mill levy override match fund.

For the 2023-24 budget year, the act appropriates \$300,000 from the state education fund to

the department of education (department) for the purpose of reimbursing schools for expenses related to replacing an American Indian mascot.

For the 2023-24 budget year, the act appropriates \$10 million from the state education fund to be distributed to preschool providers that are a school of a school district, a district charter school, or an institute charter school, subject to requirements.

For the 2023-24 budget year, the act appropriates \$1,058,115 from the state education fund to support universal screening to identify gifted children through second grade.

The act specifies that for the purpose of any law, with certain exceptions, that applies to or exempts a public entity or a public official, a charter school has the same status as a school district, and certain persons affiliated with the charter school have the same status as a complementary counterpart in a school district. Furthermore, the act clarifies the application of certain laws to charter schools.

The act permits the department, school districts, and institute charter schools to consider life-cycle costs when contracting for technology.

Under current law, every 3 years, the department is required to prepare a report and evaluation on the successes or failures of charter schools, school reform efforts, and suggested changes to laws affecting charter schools. The act makes this an annual requirement starting in the 2023-24 budget year.

Under current law, a new at-risk measure in the public school funding formula must be implemented in the 2023-24 budget year. The act extends the implementation of this requirement to the 2024-25 budget year and requires the department to conduct pre-implementation modeling and testing using the new at-risk measure and report modeling and testing findings to the education committees of the senate and house of representatives and the joint budget committee.

The act creates a public school finance task force for the purpose of examining and making recommendations concerning school finance. The task force is required to submit a report to the education committees of the senate and house of representatives and the joint budget committee by January 31, 2024. Furthermore, the task force is required to set parameters to examine the adequacy of school finance in Colorado, and the department is required to contract with 2 independent entities to report their findings by January 3, 2025. For the 2023-24 budget year, the act appropriates \$408,625 from the state education fund for administration related to the implementation of the task force.

The act amends certain requirements for a charter school's application for financial assistance for public school capital construction.

The act extends child nutrition school lunch protection program funding to be used to offset the costs incurred by a facility school in providing lunch to students who are placed in the facility and eligible to participate in the program.

The act excludes the costs associated with providing for an independent evaluation from the 20% of the money appropriated to the Colorado imagination library program to be used by the contractor for operating costs.

Starting in the 2024-25 budget year, the act creates a formula for the funding of mill levy equalization for all institute charter schools.

For the 2023-24 budget year, the act appropriates:

- \$2.5 million to the mill levy equalization fund from the general fund;
- \$10 million to the department for state aid for charter school facilities; and
- \$500,000 to the department for the purpose of translating individualized education program documents, contingent upon House Bill 23-1263 becoming law.

Makes an appropriation made in section 25 of the act effective only if House Bill 23-1263 becomes law.

APPROVED by Governor May 15, 2023

EFFECTIVE May 15, 2023

NOTE: House Bill 23-1263 became law, effective May 25, 2023.

S.B. 23-296 Harassment or discrimination - procedures for reporting - policy required - training - data collection. The act defines "harassment or discrimination" as unwelcome physical or verbal conduct or any written, pictorial, or visual communication by a student or employee that is directed at a student or group of students because of that student's or group's membership in, or perceived membership in, a protected class. The conduct or communication need not be severe or pervasive under specified circumstances. Whether conduct constitutes harassment or discrimination is judged under the totality of the circumstances.

The act requires a public school that enrolls students in any of grades kindergarten through 12 (public school) to accept formal reports of harassment or discrimination in writing or in person; by phone, e-mail, or online form. A report received by a public school that alleges harassment or discrimination is confidential. The act requires a public school to:

- Post notices describing how a student can report harassment or discrimination to the school;
- Grant an excused absence to a student for certain out-of-school appointments related to the student experiencing harassment or discrimination; and
- Provide accommodations and supportive measures to a student experiencing harassment or discrimination.

Each school district, charter school, or board of cooperative services (local education provider) shall adopt procedures for investigating reports of harassment or discrimination. A local education provider shall retain the records of a harassment or discrimination report for 7 years.

Each local education provider shall adopt a written policy (policy) that protects students experiencing harassment or discrimination. The policy must include the following:

- Information on reporting options for students, including contact information for the person designated to receive reports;
- An explanation of the school's role in responding to reports of harassment or discrimination;
- Information about resources for victims of violence;
- A prohibition on a school using a student report of harassment or discrimination or information learned during an investigation as the basis for, or a consideration in, investigating or exacting any disciplinary response for specified school violations by the student related to the harassment or discrimination; and
- Information about available accommodations and supportive measures.

A public school shall make the policy available annually to students, students' parents and legal guardians, and employees.

The act requires a public school to provide training to school staff about harassment and discrimination, including training about the school's policy. Each new employee of a public school must complete training upon hiring, and every 3 years thereafter.

Public schools of a school district must report information about harassment or discrimination to school districts, who report that information to the department of education (department). An institute charter school reports the information to the state charter school institute, who reports the information to the department. The department reports the information to the sexual misconduct advisory committee in the department of higher education.

A complaint of harassment or discrimination that is unsubstantiated, and all records related to the unsubstantiated complaint, is not a public record subject to disclosure pursuant to the "Colorado Open Records Act" and must not serve as a basis for discipline, dismissal, termination, or any employment reference or licensing action unless the conduct establishes a pattern of the same or similar behavior.

The act exempts from the existing school attendance requirement excused absences for a therapy, medical, legal, or victim services appointment, or for behavioral or mental health concerns, related to harassment or discrimination.

APPROVED by Governor June 6, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1009 Secondary school student substance use committee - report - appropriation. The act creates the secondary school student substance use committee (committee) in the department of education (department) to develop a practice, or identify or modify an existing practice, for secondary schools to implement that identifies students who need substance use treatment, offers a

brief intervention, and refers the students to substance use treatment resources.

The department is required to publicly publish a report of the committee's findings and submit the report to the superintendent of every school district and chief administrator of every institute charter school that is a secondary school.

For the 2023-24 budget year, \$49,950 is appropriated from the general fund to the department to implement the act.

APPROVED by Governor April 26, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1025 Charter schools - application timeline - optional timeline for rural school districts. The act extends the timeline from 12 months to 18 months before a charter school is set to open for a prospective charter school to submit to the local board of education an application to become a charter school. The act allows a local board of education to apply to the state board of education for modifications to the timeline set forth in this act. The act creates an optional charter school application timeline for a rural or small rural school district that allows charter school applications outside of the 18-month timeline upon notice to the department of education and public notice on the school district's website.

APPROVED by Governor April 25, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1089 Public schools - continuing services when students in foster care move residences - special education services - working group. Current law designates that a student in an out-of-home placement is a resident of the school district where the placement is located, even if that student continues to attend a school in another school district. The act designates students in out-of-home placements as residents of the school district of their school of origin as long as the student attends the school of origin, other than an approved facility school, or a state-licensed day treatment facility.

The act requires the state department of human services (department) to organize a working group to identify and address issues related to foster youth education, transportation, and stability and requires the department to provide written recommendations to the general assembly before the 2025 regular legislative session.

APPROVED by Governor April 25, 2023

EFFECTIVE April 25, 2023

H.B. 23-1168 Special education - due process complaints - legal representation - appropriation. Current law entitles a parent, guardian or legal custodian of, or entity with educational decision-making authority for (parent), a student with a disability, or a student who may be eligible

for special education services, to file a state complaint in the event of a dispute with an administrative unit or a state-operated program (education provider). If the parent prevails in a state complaint decision, the education provider may file a due process complaint against the parent regarding the issues disputed in the state complaint.

The act requires the department of education (department) to enter into a service agreement with a nonprofit organization (organization) to create and maintain a list of attorneys qualified to represent a parent in a due process complaint filed by an education provider in response to a state complaint filed by the parent in which the parent prevailed. The service agreement is for 5 years. A parent may contact the organization for an attorney appointment.

The act requires the department to include information on attorney appointments in the procedural safeguard notice and in other materials distributed to parents describing due process complaint procedures.

The act requires the organization to report to the department on or before September 1, 2024, and each September 1 through September 1, 2028, on the number of attorneys appointed to parents in due process complaint cases, the costs associated with each due process complaint case, and the amount of unspent money the organization retains at the end of each budget year.

The act requires the department to annually provide the organization \$20,000 to pay attorneys and to create, maintain, and administer the list of attorneys.

The act appropriates \$33,260 from the general fund to the department for legal representation for due process complaints.

APPROVED by Governor May 25, 2023

EFFECTIVE May 25, 2023

H.B. 23-1191 Discipline - corporal punishment prohibited. The act prohibits a person employed by or volunteering in a public school, a state-licensed child care center, a family child care home, or a specialized group facility from imposing corporal punishment on a child. The act defines "corporal punishment" as the willful infliction of, or willfully causing the infliction of, physical pain on a child.

APPROVED by Governor April 20, 2023

EFFECTIVE April 20, 2023

H.B. 23-1231 Mathematics literacy - interventions - grant programs - appropriation. The act requires the department of education (department), by January 2024, to offer free optional trainings in evidence-informed practices in mathematics, including a training specifically designed for elementary school educators and a training specifically designed for secondary school mathematics educators. Each training must include instruction on interventions for students who are below grade level or struggling in mathematics, children with disabilities, and students who are English language learners. Trainings must be available to relevant staff of school districts, related administrative units, district charter schools, institute charter schools, boards of cooperative services, and community-based organizations.

School district boards of education and institute charter schools are strongly encouraged to adopt procedures for schools to provide support to students in pre-kindergarten through twelfth grade and their families to improve mathematics outcomes. Procedures may include:

- Identifying students who are below grade level or struggling in mathematics based on academic assessments;
- Notifying the parents, guardians, or legal custodians if a student is below grade level or struggling in mathematics;
- Providing parents, guardians, or legal custodians with a list of interventions and acceleration strategies to assist with mathematics at home, including a state-advisory list of curricula, referrals for tutoring, or other intervention opportunities, if applicable;
- Publishing mathematics curricula annually, including supplemental curricula or interventions; and
- Implementing train-the-trainer or train-the-parent framework plans to improve mathematics achievements for students.

The act creates the Colorado academic accelerator grant program (grant program). The purpose of the grant program is to create community learning centers that:

- Provide opportunities for free academic enrichment and support, which must include tutorial services to help students meet rigorous academic standards and to increase proficiency in mathematics outcomes; and
- Offer families opportunities for engagement in students' education.

Eligible entities that apply to the grant program are selected for a grant that runs for a period of 3 years. The department shall prioritize eligible entities that:

- Adopt intervention strategies;
- Use evidence-informed programs that build student skills in STEM and mathematics;
- Use digital math accelerator programs;
- Serve high-needs students, as determined by the department;
- Have an established presence and relationship in the community; and
- Demonstrate in the application how they will meet the needs of diverse student populations.

The act requires school districts, public schools, the state charter school institute, and institute charter schools that are on an improvement plan, priority improvement plan, or a turnaround plan to identify strategies to address the needs of students who are below grade level or struggling in mathematics and set or revise, as appropriate, ambitious but attainable targets that the public school shall attain in reducing the number of students who are below grade level or struggling in mathematics to increase the number of students who achieve grade-level expectations in mathematics.

The act adjusts the ninth-grade success grant program to prioritize applicants that propose programming focused on evidence-informed mathematics skills, acceleration strategies, and

intervention strategies, including a focus on students who are below grade level or struggling in mathematics and have academic achievement levels in mathematics that are consistently ranked the lowest for public high schools in the state, as determined by the department.

The act includes a requirement that candidates for an elementary education endorsement, a middle school mathematics endorsement, or a secondary mathematics endorsement be trained in evidence-informed practices in mathematics, including interventions to help students who are below grade level or struggling in mathematics, children with disabilities, and students who are English language learners.

The act adds developmentally appropriate early numeracy to continuing professional development requirements for teachers employed by a preschool, and requires the department of early childhood to include developmentally appropriate early numeracy as a subject matter area in the resource bank of preschool curricula for use by preschool providers.

The act appropriates \$26,694,530 from the general fund to the department as follows:

- \$594,530 for math educator training and improvement planning;
- \$24,500,000 for the grant program; and
- \$1,600,000 for the ninth-grade success grant program.

APPROVED by Governor May 15, 2023

EFFECTIVE May 15, 2023

H.B. 23-1241 Accountability and accreditation - task force - appropriation. The act creates the accountability, accreditation, student performance, and resource inequity task force (task force) to study academic opportunities, inequities, promising practices in schools, and improvements to the accountability and accreditation system.

The act requires the speaker and minority leader of the house of representatives, the president and minority leader of the senate, the governor, and the department of education (department) to appoint members to the task force no later than July 1, 2023. The task force consists of 26 members, including members who represent statewide education organizations, the department, the state board of education (state board), school district board of education members, charter schools, superintendents, principals, and teachers.

The act requires the department to enter into a contract with a facilitator to guide the work of the task force no later than August 15, 2023. The act requires the department to enter into a contract with a third party to draft an interim report and final report.

The task force is required to submit an interim report by March 1, 2024, and a final report by November 15, 2024, reflecting its findings and recommendations to the education committees of the house of representatives and senate, the governor, the state board, the commissioner of education, and the department.

The act appropriates \$300,709 from the general fund to the department to implement the task

force.

APPROVED by Governor May 24, 2023

EFFECTIVE May 24, 2023

H.B. 23-1263 Special education - individualized education program - translation services. The act permits the multidisciplinary team that creates an individualized education program (IEP) for a child, who may be eligible for special education services, to translate or contract with a translation services provider to translate the IEP draft documents into the dominant language spoken in the home of the child's parent, guardian, or legal custodian (parent). Upon request of the child's parent, the multidisciplinary team is required to translate or contract with a translation services provider to translate the final IEP document into the dominant language spoken in the home of the child's parent. The IEP team shall verbally inform the child's parent of the right to request translation services.

APPROVED by Governor May 25, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1291 School discipline - expulsion hearing process - training - appropriation. The act clarifies the school expulsion hearing (hearing) process, including the following:

- A school district has the burden of proving by a preponderance of the evidence that a student violated state law and the school district's policy;
- A school district is required to provide all supporting evidence for expulsion or denial of admission to the student or the student's parent, guardian, or legal custodian at least 2 business days in which school is in session prior to the hearing; and
- Hearing officers are required to consider specific factors at the conclusion of a hearing including the age of the student, disciplinary history of the student, whether the student has a disability, the seriousness of the violation, whether the violation threatened the safety of any student or staff member, and whether a lesser intervention could properly address the violation.

A hearing officer must not have a conflict of interest with a student under consideration for expulsion or denial of admission or any alleged victim. A school district must ensure that hearing officers receive training on how to serve impartially.

The act requires the department of education (department), on or before June 30, 2024, to create and maintain the online training program for expulsion hearing officers. Beginning January 1, 2025, hearing officers are required to complete initial and ongoing training. The training program must include information on:

- Child and adolescent brain development;
- Restorative justice;
- Alternatives to expulsion;
- Trauma-informed practices;

- Conflict and bias in discipline, suspension, and expulsion; and
- The requirements and implementation of applicable federal and state laws.

School districts, district charter schools authorized to expel or suspend students, or the state charter school institute may develop and provide their own training program to hearing officers and school administrators that meets or exceeds the requirements of the department's training program.

The act requires the board of education of each school district to adopt a policy that a student must not be expelled or denied admission unless the school district considers whether alternative remedies are appropriate and whether excluding the student from school is necessary to preserve the learning environment.

The act clarifies the judicial proceedings process available to a student or the student's parents, guardians, or legal custodians to set aside the school district board of education's decision to expel or deny admission to the student.

The act appropriates \$162,720 from the general fund to the department for hearing officer training and support.

APPROVED by Governor June 1, 2023

EFFECTIVE June 1, 2023

EDUCATION - POSTSECONDARY

S.B. 23-31 Department of higher education - university of Colorado Anschutz - Colorado multidisciplinary health-care provider access training program - appropriation. The act creates the Colorado multidisciplinary health-care provider access training program (program) to improve the health care of medically complex, costly, compromised, and vulnerable older Coloradans. The university of Colorado Anschutz medical campus shall develop, implement, and administer the program. The program may be offered to Colorado institutions of higher education with clinical health professions graduate degree programs. The program coordinates and expands geriatric training opportunities for clinical health professions graduate students (students) enrolled in participating Colorado institutions of higher education (participating institutions) across Colorado studying to become advanced practice providers; dentists; nurses; occupational therapists; pharmacists; physicians, including medical doctors and doctors of osteopathy; physical therapists; psychologists; social workers; and speech-language therapists. Students who successfully complete the program are awarded certificates and issued letters authorizing those students to become trainers for the program in clinics across the state.

The act creates the Colorado multidisciplinary health-care provider access training program advisory committee (committee) to ensure that the training for the program is consistent and collaborative across the fields of study. The committee is required to:

- Appoint a program chair;
- Set the program's standards for training and delivery of multidisciplinary medical care to medically complex, costly, compromised, and vulnerable older Coloradans;
- Establish requirements for the program;
- Identify and invite institutions of higher education that offer appropriate clinical health professions graduate degree programs to become participating institutions;
- Collaborate with participating institutions across Colorado to enhance recruitment of students to enter a field specific to geriatrics and select students with an interest in geriatric care to participate in the program;
- Assist with updating the program's curricula;
- Analyze data collected by the program;
- Build a multidisciplinary network of trained geriatric clinicians to collaborate and provide opportunities for clinicians to work together to better understand the roles of each health-care discipline in urban, rural, and underserved communities when caring for older Coloradans;
- Improve placement of students in experiential clinical training opportunities, prioritizing rural and underserved communities;
- Coordinate with graduates of the program to become geriatric trainers for future students; and
- Increase the number of clinical training sites across Colorado, specifically in rural and underserved communities.

The act requires a representative of the program to submit a report on July 1, 2025, and no later than July 1 each year thereafter, summarizing program data to the health and human services

committee of the senate and the health and insurance committee of the house of representatives, or their successor committees. The report must include the following:

- The number of students participating in the program;
- The number of students who successfully complete the program;
- The subsequent locations and job placements of program graduates;
- The number of program graduates who become trainers; and
- The description of facilities where program graduates become trainers.

The act appropriates \$784,269 to the department of higher education from the general fund.

APPROVED by Governor June 5, 2023

EFFECTIVE June 5, 2023

S.B. 23-44 Veterinary education - loan repayment program. The act updates the veterinary education loan repayment program in the following ways:

- Increases the number of qualified applicants per year from 4 to 6;
- Eliminates the requirement that an applicant must have graduated from an accredited veterinary school in 2017 or later;
- Increases the total amount an applicant is eligible for over a 4-year period from \$70,000 to \$90,000;
- Increases the yearly repayment amounts for successful applicants; and
- Requires the state treasurer to transfer \$540,000 from the general fund to the veterinary education loan repayment fund on September 1, 2023.

APPROVED by Governor June 2, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-84 Federal public loan forgiveness program - calculation of full-time employment - definitions. To determine if a faculty or teacher at a state or nonprofit institution of higher education (institution) is a full-time employee under the federal public loan forgiveness program (program), the act requires the faculty's or teacher's credit or contact hours to be multiplied by at least 4.35 to determine the number of hours worked. The act directs institutions to either directly certify employment for the program or annually provide employees with partially completed forms to certify their employment. The act allows an institution to apply this calculation going back to October 1, 2007.

APPROVED by Governor March 23, 2023

EFFECTIVE March 23, 2023

S.B. 23-85 Sexual misconduct advisory committee. The sexual misconduct advisory committee (advisory committee) repeals September 1, 2023. The act implements the department of regulatory agencies' recommendation to continue the advisory committee indefinitely.

APPROVED by Governor April 28, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-96 In-state tuition classification - Colorado scholars - peace corp volunteers. The act adds information to the department of higher education's current annual reporting requirement as it relates to Colorado scholars.

Current law limits the number of Colorado scholars that each institution counts in an academic year to 8% of the total number of in-state students. The act increases that limit to 15%.

The act requires a peace corps volunteer to be classified as an in-state student for tuition purposes if the student was certified by the director of the peace corps as having served satisfactorily as a peace corps volunteer. A peace corps volunteer who is classified as an in-state student must not be counted as a resident student for any purpose other than tuition classification.

APPROVED by Governor April 11, 2023

EFFECTIVE April 11, 2023

S.B. 23-149 Colorado opportunity scholarship initiative - youth mentorship assistance grant pilot program - report - appropriation. The act creates the youth mentorship assistance grant pilot program (program) in the Colorado opportunity scholarship initiative within the department of higher education (department). The program provides financial assistance for the cost of attendance at a public higher education institution to students who provide mentorship services to an approved youth mentorship organization. The act requires the Colorado opportunity scholarship initiative advisory board to select approved youth mentorship organizations to participate in the program and administer the program.

The act requires each approved youth mentorship organization to submit an annual report to the department, and the department to submit an annual report to the education committees of the senate and house of representatives, concerning the program.

For the 2023-24 state fiscal year, \$100,000 is appropriated from the general fund to the department for use by the Colorado opportunity scholarship initiative advisory board to implement the act.

APPROVED by Governor June 6, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-224 Western interstate commission on higher education - student exchange programs. If the Colorado commission on higher education (commission) enters into a professional student exchange program through the western interstate commission on higher education (WICHE), then, subject to available appropriations, the commission shall establish policies to maximize the benefit of the exchange program to Colorado residents. The policies may include, but need not be limited to:

- Policies for Colorado residents seeking postsecondary optometry degrees at institutions in other states. Beginning in the 2024-25 academic year, the commission shall ensure that any student who enters the postsecondary optometry program, as a part of the student's post-educational service commitment, shall agree to provide services to Coloradans enrolled in programs established pursuant to the "Colorado Medical Assistance Act".
- Policies that promote the provision of services in underserved areas. Such policies may include reducing the service requirement for an individual to meet the individual's post-educational service requirement by serving in areas that have insufficient access to optometry services.

The act aligns Colorado law with the current operation of WICHE professional student exchange programs.

APPROVED by Governor April 17, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-225 Specialty education services funding - CU school of medicine Fort Collins branch. Under current law, an institution of higher education (institution) receives funding through a fee-for-service contract for specialty education services provided by the institution. Colorado state university and the university of Colorado school of medicine created a partnership that created a 4-year branch campus for university of Colorado medical school students in Fort Collins (partnership). The act allows the use of specialty education services funding for the partnership.

APPROVED by Governor April 17, 2023

EFFECTIVE April 17, 2023

S.B. 23-281 Higher education - non-regionally-accredited institutions - enrollment agreement requirements. The act requires all non-regionally-accredited higher education institutions to provide incoming students with an enrollment agreement before the student enrolls. The agreement must include information about where students can obtain statewide credit for prior learning and a notice explaining that individual credits obtained at the non-regionally-accredited higher institution may not transfer to other colleges or universities in certain circumstances. The act does not apply to

private occupational schools.

APPROVED by Governor June 6, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-293 Compensation and representation of student athletes - use of a student athlete's name, image, or likeness. The act states that a public or private institution of higher education (institution) may identify, create, solicit, facilitate, and otherwise enable opportunities for a student athlete to earn compensation for the use of the student athlete's name, image, or likeness so long as the institution first acquires the consent of the student athlete. An institution that solicits such an opportunity for a student athlete must inform the student athlete of the solicitation within 72 hours after the solicitation.

The act states that a charitable organization that is not an institution and that is exempt from taxation under federal law may compensate a student athlete for the use of the student athlete's name, image, or likeness.

APPROVED by Governor June 6, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-299 Epinephrine auto-injectors in institutions of higher education - policy - immunity. The act requires each institution of higher education (institution) to acquire and stock a supply of epinephrine auto-injectors. The act encourages each institution to place epinephrine auto-injectors in sufficient quantities in emergency public access stations to ensure reasonable availability to a person perceived to be experiencing anaphylaxis.

The act encourages the person, immediately after using an epinephrine auto-injector, to make a 911 emergency call.

The act encourages an institution to accept a donation of a supply of epinephrine auto-injectors that meets standards established by the federal food and drug administration, and to accept gifts, grants, and donations, including in-kind donations, designated for obtaining a supply of epinephrine auto-injectors.

The act requires each institution to adopt a policy concerning the placement of epinephrine auto-injectors that focuses on areas where students gather in the largest volumes, including in dormitories and dining halls.

The act provides immunity for any person who acts reasonably and in good faith to furnish or administer an epinephrine auto-injector to an individual the person reasonably believes is

experiencing anaphylaxis.

APPROVED by Governor June 6, 2023

EFFECTIVE June 6, 2023

H.B. 23-1001 Educator retention - assessment of professional competencies - stipend programs - loan forgiveness. The act expands student eligibility for the educator preparation stipend programs by increasing students' expected family contribution from no more than 200% to no more than 250% of the maximum federal Pell-eligible expected family contribution. For the 2022-23 and 2023-24 state fiscal years, expected family contribution is temporarily expanded to no more than 300% of the maximum federal Pell-eligible expected family contribution.

The act allows a student who is eligible for the student educator stipend program to be placed as a student educator in a school- or community-based setting in Colorado or within 100 miles of the Colorado state border.

The act modifies the Colorado commission on higher education considerations of student eligibility for the educator preparation stipend programs specific to funds appropriated for the programs from the economic recovery and relief cash fund.

The act broadens the temporary educator loan forgiveness program (forgiveness program) requirements to allow applicants to be principals or special service providers in addition to teachers.

The act extends the forgiveness program through July 2023, removes requirements that a school's at-risk student population must exceed 60% in order for an educator to be eligible for the forgiveness program, and expands qualified positions to include positions in any public school, board of cooperative services, or facility school in Colorado. The act also changes how the program prioritizes applicants for the program.

The act directs a portion of the appropriation for the 2022-23 state fiscal year to the department of education for a portfolio management system to facilitate the multiple measures approach to the assessment professional competencies.

APPROVED by Governor April 10, 2023

EFFECTIVE April 10, 2023

H.B. 23-1007 Suicide prevention - student identification card information. The act requires public and private higher education institutions to print Colorado and national crisis and suicide prevention contact information on student identification cards. If an institution does not use student identification cards, the act requires the school to distribute Colorado and national crisis and suicide prevention contact information to the student body each semester or trimester.

APPROVED by Governor March 17, 2023

EFFECTIVE March 17, 2023

H.B. 23-1093 Faculty sabbaticals - staff sabbaticals. Current law allows higher education faculty

to take a sabbatical if the governing board of the institution where the faculty member works approves the sabbatical. The act extends sabbatical opportunities to staff of an institution of higher education who serve in a management position or similar capacity.

APPROVED by Governor April 10, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1237 Emergency communication - study to provide bilingual alerts and interpret 911 calls - appropriation. The act requires the university of Colorado's natural hazards center to conduct a study by July 1, 2024, to determine what municipalities, sheriff's offices, counties, fire districts, and local 911 agencies need to be able to provide emergency alerts in minority languages, and what local 911 agencies need in order to provide live interpretation during a 911 call. The study must:

- Identify the components of multi-hazard early warning systems that are necessary in order to reach residents and visitors without requiring an opt-in, as well as opt-in options, outputs for emergency alert systems, and the ability to provide emergency alerts in minority languages;
- Survey state agencies, counties, municipalities, sheriff's offices, fire districts, fire authorities, and local 911 agencies to identify the capabilities of existing emergency alert systems in Colorado compared to the identified essential components;
- Identify gaps in the capabilities of existing emergency alert systems requiring correction;
- Identify resources, including federal funding opportunities, to implement a grant program to assist municipalities, sheriff's offices, counties, fire districts, and local 911 agencies in obtaining emergency response technology systems that can provide emergency alerts in minority languages;
- Determine best practices, which may be identified by reviewing programs in other states, for hiring multilingual and multicultural staff;
- Determine best practices for engaging local community organizations with connections to populations that speak a minority language; and
- Present research regarding effective emergency alerts for people with disabilities after consultation with a statewide organization that advocates for people with disabilities.

The university of Colorado's natural hazard center shall submit its study report to the division of homeland security and emergency management in the department of public safety and to the general assembly by January 8, 2024.

The act appropriates \$77,009 from the general fund to the department of higher education to implement the study.

APPROVED by Governor May 12, 2023

EFFECTIVE May 12, 2023

H.B. 23-1246 In-demand career workforce - financial support programs - reports - appropriations.

The act directs the state board of community colleges and occupational education (board) to administer the in-demand short-term credentials program (program) to support the expansion of the number of available and qualified professionals who are able to meet Colorado's in-demand workforce needs. Under the program, the board is required to allocate funds to community and technical colleges, area technical colleges, local district colleges, and Colorado Mesa university to provide assistance to students for eligible expenses that support their enrollment in eligible programs. If unexpended resources exist, the funds must be used to pay for a student's housing, transportation, child or dependent care, or food expenses. The act requires the Colorado commission on higher education to submit a report regarding the program to the house of representatives and senate education committees during its annual "SMART Act" hearing.

The act requires the office of future work (office) to provide grants to registered apprenticeship programs that provide training in the building and construction trade at no cost to apprentices (grant program). The act requires the office to submit a report regarding the grant program to the house of representatives business affairs and labor committee and senate business, labor, and technology committee during its annual "SMART Act" hearing.

In the 2022-23 state fiscal year, the general assembly appropriated \$10 million to the department of public health and environment (department) for the purpose of recruitment and re-engagement efforts with health-care professionals with licenses and staffing. The act extends the authority for the department to use the appropriation through December 30, 2024.

In the 2022-23 state fiscal year, the general assembly appropriated \$3 million to the department for the school nurse grant program, which provides grants for hiring school nurses for public schools. The act extends the authority for the department to use the appropriation through December 30, 2024.

For the 2023-24 state fiscal year, \$43,600,000 is appropriated from the general fund to the department of higher education, of which:

- \$38,600,000 for the program; and
- \$5,000,000 to establish 2 new short-term degree nursing programs at community or technical colleges.

For the 2023-24 state fiscal year, \$1,400,000 is appropriated from the general fund to the department of labor and employment for the grant program.

APPROVED by Governor May 16, 2023

EFFECTIVE May 16, 2023

H.B. 23-1261 Remove requirement for selective service for enrollment. Current law requires a male person who is applying for enrollment or reenrollment to a state-supported institution of higher education (institution) and who is at least 17 years and 9 months of age but younger than 26 years of age (applicant) to provide the institution with a statement of registration compliance for the United States selective service system (selective service). The act removes the requirement that an applicant

register for selective service to enroll in an institution but requires institutions to provide information about selective service to eligible males prior to registration.

APPROVED by Governor May 16, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1262 Colorado re-engaged initiative - associate degree transfer requirements. The act requires that, to receive an associate degree through the Colorado re-engaged initiative, a student must not have received 15 or more credit hours from a community college or occupational education institution before transferring to the initiative.

APPROVED by Governor June 7, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

ELECTIONS

S.B. 23-276 Uniform Election Code of 1992 - initiatives and referendums - Fair Campaign Practices Act - public official disclosures - appropriation. The act modifies the "Uniform Election Code of 1992" (code), the law regarding initiatives and referendums, the "Fair Campaign Practices Act", and the law regarding public official disclosures.

The act modifies the code as follows:

- Allows any form of identification currently specified in the code to be presented in digital format;
- Repeals a criterion for determining a voter's residence;
- Facilitates voter registration for people who live on Indian reservations;
- Modifies the self-affirmation that is required when an elector registers or preregisters to vote to conform to the elimination by constitutional amendment of the right of an individual who is 17 years old but will turn 18 before a general election to vote in the primary election that precedes the general election;
- Modifies the meeting dates on which a judicial district central committee holds its organizational meetings;
- Eliminates the option for all active electors in a county who have not declared an affiliation to specify a party preference and specifies that all such electors will receive a mailing that contains the ballots of all of the major political parties;
- Conforms provisions regarding presidential electors to federal law;
- Clarifies who can challenge a candidate's eligibility for office;
- Modifies notice requirements for candidates for designation for nomination by assembly;
- Modifies the standards for a petition entity to operate in the state;
- Creates a process for a candidate to protest when the secretary of state (secretary) has determined that a petition is insufficient;
- Requires voter service and polling centers (VSPC) and drop boxes to be located on campuses of private institutions of higher education and increases the number of VSPCs and drop boxes on campuses of private and state institutions of higher education;
- Clarifies the number of in-person voting days at a VSPC on an Indian reservation;
- Allows drop boxes to be located at places of worship;
- Allows a VSPC to be located in a multi-use building where alcohol is served so long as the VSPC is in a separate part of the building;
- Increases the state's reimbursement to counties for the cost of conducting elections beginning in July of 2024;
- Clarifies the secretary's authority to determine conditions of use for voting systems;
- Updates provisions regarding the use of voting systems to align with current practice;
- Clarifies that a clerk and recorder or designated election official (clerk) is required to submit a plan regarding voting to the secretary before every election;
- Allows counties with fewer than 15,000 active voters to have 2, rather than 3, election judges at each VSPC;
- Eliminates references to precincts;

- Clarifies the number of watchers allowed in certain locations for primary, general, and congressional vacancy elections;
- Modifies who may appoint an election watcher;
- Specifies the circumstances under which a clerk is required to revoke the certificate of a watcher for the use of a mobile phone in a polling location;
- Specifies that an election watcher may use a phone to send or receive text messages while watching election activities so long as the watcher is not in view of personally identifiable information;
- Specifies the conditions under which an elector may take a mobile phone into a VSPC;
- Clarifies the duty of election judges to inspect voting machines;
- Requires that a bipartisan team of election judges make a duplicate copy of a ballot that is damaged or defective;
- Specifies that the secretary is required to retain election setup records as election records;
- Allows a voting system provider under contract to provide a voting system to a political subdivision in the state to place any changes to election software in escrow with either the secretary or an independent escrow agent;
- Specifies when a clerk must update the voter registration system after an eligible elector (elector) has cured deficient identification or a missing or deficient signature;
- Specifies how often a clerk must collect ballots from each drop box;
- Specifies when a clerk must begin counting ballots in counties with over 10,000 electors;
- In counties that have issued electronic tablets to or made electronic tablets available to confined eligible electors, directs the clerk and the sheriff to determine and include in the mail ballot election plan the process by which they will facilitate voter registration, ballot delivery, and ballot return using electronic tablets issued to confined eligible electors;
- Modifies deadlines and the process for testing voting systems in connection with a mandatory recount of votes cast;
- Modifies recount timelines and payment requirements;
- Updates requirements regarding lists of presidential electors to conform with federal law;
- Clarifies how the date of a recall election is determined;
- Repeals an obsolete provision regarding voting in an incorrect polling location; and
- Specifies that it is not electioneering for a person to incidentally display apparel that supports political issues on the campus of any institution of higher education, rather than just a state institution of higher education, where a VSPC is located.

The act modifies the law regarding initiative and referendum by prohibiting allowing the secretary of state to prohibit a petition entity from circulating ballot petitions if the entity or a principal of the entity has been convicted of certain crimes and by increasing penalties for petition entities that violate state law regarding petition circulation.

The act modifies the "Fair Campaign Practices Act" as follows:

- Clarifies the definition of "independent expenditure committee";
- Prohibits a candidate committee from knowingly accepting contributions from certain entities and making contributions to certain entities;
- Specifies time frames for the termination of candidate committee accounts;
- Limits the amount of unexpended campaign contributions that may be transferred from one candidate committee to another for a different office sought by the same candidate;
- Clarifies that an elected official may use unexpended campaign contributions for child care costs;
- Clarifies when a referred measure is submitted to the voters by the general assembly;
- Requires the electronic filing of candidate disclosure statements; and
- States that a candidate may be disqualified if the secretary finds that the candidate willfully filed a false or incomplete disclosure statement.

The act modifies the law regarding public official disclosure by specifying that the information included in the public disclosures filed by certain public officials must include information for the previous calendar year under certain circumstances and by requiring the person making the disclosure to include certain information about the sources of compensation the person received.

The act prohibits a clerk who is administering an election and the department of state from using an appropriation of state or federal money to pay for advertising expenses that feature a person who is a declared candidate for a federal, state, or local office.

The act extends the department of state's spending authority by 2 fiscal years for an appropriation that was originally made for the 2021-22 state fiscal year and available for expenditure through the 2022-23 state fiscal year for the implementation of a law that the general assembly enacted in 2019 to facilitate automatic voter registration.

For the 2023-24 state fiscal year, the act appropriates \$469,201 from the department of state cash fund to the department of state for the implementation of the act.

APPROVED by Governor June 6, 2023

PORTIONS EFFECTIVE June 6, 2023
PORTIONS EFFECTIVE January 1, 2024
PORTIONS EFFECTIVE July 1, 2024

H.B. 23-1185 Municipal vacancies - recall elections - procedures for replacement of elected officials - changes to requirements for municipal recall elections. Sections 1 through 5 of the act clarify the procedure for filling a vacancy in a municipal elected office. When a vacancy occurs, the governing body shall appoint an eligible elector or call a special election within 60 days. If the governing body lacks sufficient members to reach a quorum, the clerk of the governing body is authorized to call a special election to fill the vacancy.

Sections 6 through 8 modify and clarify the requirements for municipal recall elections, by:

- Requiring members of the committee designated to represent the signers of a recall petition to be registered electors residing in the municipality;
- Clarifying the number of signatures required for a recall petition for a person holding an office filled by more than one person;
- Requiring signers to include their municipality and county with their address when signing a recall petition;
- Clarifying that disassembly of a recall petition section renders that section invalid;
- Clarifying that a municipal clerk's written initial determination that a recall petition or a refiled recall petition is sufficient or insufficient is final unless a protest is filed in accordance with statutory requirements;
- Repealing a requirement that the county clerk and recorder prepare a list of registered electors for the protest;
- Clarifying deadlines and processes for petitions and protests;
- Requiring that nomination petitions for successors be filed within 20 calendar days after the date a recall election is set;
- Providing that if the incumbent is not recalled, the votes for a successor are not recorded and any unofficial results of the vote on a successor shall not be disclosed; and
- Clarifying ballot requirements and election standards for a recall election and specifying that in cases in which more than one officer is recalled from an office to which more than one person may be elected, candidates equal in number to the number of persons recalled from office who received the highest number of votes for the office are elected for the remainder of the term of each of the offices vacated with the candidate receiving the highest number of votes being elected for the longest remaining term.

APPROVED by Governor April 17, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1245 Campaign finance requirements for municipal office candidates. The law regulating campaign finance did not set limits on contributions to candidates for municipal elected office. For municipal elections held on or after January 1, 2024, the act sets aggregate limits on contributions to candidates for municipal office from persons, including any political party and excluding any small donor committee, for any election cycle in the amount of \$400. The act sets aggregate limits on contributions to candidates for municipal office from small donor committees for any election cycle in the amount of \$4,000. The act subjects the new contribution limits to existing statutory provisions governing the disclosure of campaign contributions.

The act requires campaign contribution reports for candidates for a municipal office for a municipality that has a population of 1,000 or more to be filed with the municipal clerk no later than 60 days, 30 days, and 15 days before and 30 days after the major election in election years and annually in off-election years; except that, for a runoff election, reports must be filed no later than 15 days before and after the runoff election. The act clarifies that an independent expenditure committee that makes expenditures in connection with a municipal election must file its disclosure

reports with the applicable municipal clerk.

The act also extends the retention requirements for campaign contribution reports from one year to 10 years for a candidate that is not elected and from one year to 6 years after the candidate leaves office for a candidate that is elected and requires that reports be made publicly available without charge on a website or for in-person inspection.

APPROVED by Governor June 7, 2023

EFFECTIVE January 1, 2024

NOTE: This act was passed without a safety clause.

FINANCIAL INSTITUTIONS

H.B. 23-1266 Reverse mortgage - additional exception to obligation to occupy the property as principal residence - property uninhabitable. Under current law, the borrower in a reverse mortgage transaction is relieved of the obligation to occupy the subject property as a principal residence (principal-residence requirement) if the borrower is temporarily absent for up to 60 days or, if the property is adequately secured, for up to one year. The act adds a third exception to the principal-residence requirement to cover situations in which a natural disaster or other serious incident beyond the borrower's control (force majeure) renders the property uninhabitable, in which case the reverse mortgage does not become due and payable if:

- The borrower is engaged in repairing the home with the intent of reoccupying the home as a principal residence or selling the home;
- The borrower stays in communication with the lender while the home is being repaired;
- The borrower complies with all other terms and conditions of the reverse mortgage; and
- Repairing or rebuilding of the home does not reduce the lender's security.

The act requires that the lender disclose these conditions suspending the repayment requirement on a reverse mortgage due to a force majeure to the borrower in writing at the time of closing.

APPROVED by Governor June 7, 2023

EFFECTIVE June 7, 2023

GENERAL ASSEMBLY

S.B. 23-10 Water resources and agriculture review committee - removal of outdated references - meetings. The act removes a reference to the water resources and agriculture review committee (committee) being an interim committee and removes an outdated reference to past legislation in the legislative declaration. The act also removes limitations on the number of meetings and the number of field trips the committee may hold in a calendar year and requires the committee to meet at least 4 times during each calendar year.

APPROVED by Governor March 10, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-76 Colorado youth advisory council - repeal - appropriation. The Colorado youth advisory council (advisory council) is set to repeal September 1, 2023. The act continues the advisory council until September 1, 2028.

The act renames the Colorado youth advisory council review committee as the Representative Hugh McKean Colorado youth advisory council review committee.

The act appropriates \$50,000 from the general fund to the Colorado youth advisory council cash fund.

APPROVED by Governor June 2, 2023

EFFECTIVE June 2, 2023

GOVERNMENT - COUNTY

S.B. 23-57 County treasurers - no longer ex officio treasurers for drainage, irrigation, and internal improvement districts. County treasurers have been ex officio district treasurers for drainage districts, irrigation districts, and internal improvement districts that provide services related to drainage and ditches (collectively, district). The act removes the duty of the county treasurer to be the ex officio district treasurer and requires district treasurers to be appointed by the board of directors of the district. The act also clarifies that the former duties of the county treasurer as the ex officio district treasurer are now solely duties of the district treasurer.

Additionally, the act clarifies that irrigation district assessments and internal improvement district assessments are distributed in alignment with current law for the distribution of assessments collected by county treasurers and updates the amount of fees a county treasurer can charge and receive for collecting drainage and irrigation district assessments to 0.25% upon all money collected by the county treasurer for assessments beginning on and after January 1, 2026.

APPROVED by Governor April 3, 2023

EFFECTIVE January 1, 2024

NOTE: This act was passed without a safety clause.

S.B. 23-68 Public health - county hospitals - public hospital board of trustees - number of trustees and terms - powers - acquisition of property - incurring indebtedness - products and services offered - county general fund appropriations. The act makes the following changes regarding county public hospitals:

- Allows the board of county commissioners of a county with a population of less than 3,000 to determine, by a resolution of the board of county commissioners, that the public hospital board of trustees (hospital board) will consist of 7, rather than 5, citizens at large and specifies the length of the terms of the additional hospital board trustees in a manner that staggers the terms;
- Authorizes real property to be in the name of either the county or the hospital, rather than only in the name of the county;
- Clarifies that any indebtedness incurred by a hospital board is an obligation of the hospital board and not an obligation of the board of county commissioners;
- Specifies that a hospital board needs the approval of the board of county commissioners before incurring indebtedness only if the repayment of the indebtedness is dependent on tax money received for hospital purposes from the board of county commissioners;
- Allows a hospital board to offer to the general public products and services of any health-care organization, association, partnership, or corporation to the extent that the products and services are consistent with the powers and duties of a county public hospital; and
- Removes the annual 5% limit on appropriations from a county's general fund for the

improvement or enlargement of any public hospital established in the county and also allows such money to be used for the operation of a public hospital.

APPROVED by Governor April 3, 2023

EFFECTIVE April 3, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1139 County category modification - county officer salary increases. Current law categorizes each county for purposes of establishing the salaries of elected officials in the county. The statutory salary amounts are adjusted every 2 years for inflation and take effect for terms commencing after any change is made. The bill modifies the categories of 9 counties (Archuleta, Delta, Eagle, Grand, Las Animas, Ouray, Pitkin, Saguache, and Summit) with an accompanying percentage increase in salary for the counties' elected officials.

APPROVED by Governor March 23, 2023

EFFECTIVE March 23, 2023

GOVERNMENT - LOCAL

S.B. 23-35 Middle-income housing authority - public-private partnerships - composition of board of directors - appropriation. The middle-income housing authority (authority) has the power to make and enter into contracts or agreements with public or private entities to facilitate public-private partnerships. The act clarifies this power of the authority to enter into public-private partnerships by specifying that:

- The affordable rental housing component of a public-private partnership is exempt from state and local taxation, and the authority must provide initial and ongoing notice to the local assessor of the exemption;
- A public-private partnership may include an agreement concerning commercial property in connection with an affordable rental housing project;
- A public-private partnership may provide for the transfer of the interest in an affordable rental housing project to an entity other than the authority;
- The authority may issue bonds to finance the affordable rental housing component in a public-private partnership; and
- Bonds issued by the authority may be payable from the revenue and assets of the affordable rental housing component of a public-private partnership or solely from the revenue or assets of the authority as current law requires.

Additionally, the act expands the board of directors of the authority from 14 to 16 by adding 2 nonvoting members. The senate majority leader and the house majority leader will each appoint a member of the general assembly from their respective chambers to serve as the 2 new nonvoting members; except that, if the senate majority leader and the house majority leader are from the same political party, the house minority leader will appoint the member to the board of directors from the house.

For the 2023-24 state fiscal year, \$3,774 is appropriated from the general fund to the legislative department for use by the general assembly to implement the act.

APPROVED by Governor June 2, 2023

EFFECTIVE June 2, 2023

S.B. 23-111 Public employee workplace rights - retaliation protection - appropriation. The "National Labor Relations Act" does not apply to federal, state, or local governments and the "Colorado Labor Peace Act" excludes governmental entities, with an exception for mass transportation systems, which means that these labor laws do not cover most public employees. The act grants certain public employees, including individuals employed by counties, municipalities, fire authorities, school districts, charter schools, public colleges and universities, library districts, special districts, public defender's offices, the university of Colorado hospital authority, the Denver health and hospital authority, the general assembly, and a board of cooperative services, the right to:

- Discuss or express views regarding public employee representation or workplace

issues;

- Engage in protected, concerted activity for the purpose of mutual aid or protection;
- Fully participate in the political process while off duty and not in uniform, including speaking with members of the public employer's governing body on terms and conditions of employment and any matter of public concern and engaging in other political activities in the same manner as other citizens of Colorado without discrimination, intimidation, or retaliation; and
- Organize, form, join, or assist an employee organization or refrain from organizing, forming, joining, or assisting an employee organization.

However, a public employer that has a nonpartisan role may limit the right of an employee to fully participate in the political process while off duty and not in uniform to the extent necessary to maintain the nonpartisan role of the employer.

The act also prohibits certain public employers from discriminating against, coercing, intimidating, interfering with, or imposing reprisals against a public employee for engaging in any of the rights granted.

The division of labor standards within the Colorado department of labor and employment (division) is charged with enforcing any alleged violation of these rights and is granted rule-making authority. A party may appeal the department's final decision to the Colorado court of appeals. The act requires the court of appeals to give deference to the final decision of the department.

For the 2023-24 state fiscal year, \$151,751 is appropriated to the department of labor and employment for use by the division and for the purchase of legal services as needed to implement the act.

APPROVED by Governor June 6, 2023

PORTIONS EFFECTIVE August 7, 2023
PORTIONS EFFECTIVE July 1, 2024

NOTE: This act was passed without a safety clause and portions of it take effect 90 days after sine die.

S.B. 23-183 Competition in utility and entertainment services - conditions for providing services - eliminate requirement to obtain voter approval. The act:

- Eliminates the requirement that a local government hold an election before providing or before operating a facility to provide cable television, telecommunications, or broadband internet services to subscribers;
- Eliminates the requirement that a local government hold an election to enter into a private partnership to allow a private provider to use local government facilities in connection with the private provider offering cable television service, telecommunications service, broadband internet service, or middle mile infrastructure; and

- Specifies that a local government may provide middle mile infrastructure, which is broadband infrastructure that does not connect directly to an end-user location.

APPROVED by Governor May 1, 2023

EFFECTIVE May 1, 2023

H.B. 23-1190 Multifamily residential rental property - long-term affordable housing - local government right of first refusal to purchase. The act creates a right of first refusal of a local government to match an acceptable offer for the sale of a multifamily residential or mixed-use rental property consisting of 15 or more units in an urban county or 5 or more units in a rural or rural resort county (property). The right to the purchase of the property by the local government is effective on and after August 7, 2023 until August 1, 2028, is subject to the local government's commitment to using the property as long-term affordable housing, and, if the property is mixed-use, applies only to the residential portion of the property. The local government may assign its right of first refusal to a housing authority that is within the local government's jurisdiction, to a regional housing authority, or to the Colorado housing and finance authority subject to the limitation that the assignee make the same commitment to using the property as long-term affordable housing.

The act requires notices to be given by the seller to the local government and by the local government to the seller and to residents of the property. Upon receiving notice of intent to sell or of a potential sale of property, the local government has 7 calendar days to preserve its right of first refusal and an additional 30 calendar days to make an offer and must agree to close on the property within 60 calendar days if practicable but within not more than 90 calendar days of the execution of an agreement for the sale and purchase of the qualifying property; except that there are certain circumstances that may allow these periods to be tolled. Prior to the sale of a property, the seller is required to execute and record an affidavit in the real property records of the county in which the property is located certifying that either the rights and property interests of the local government have expired or been released or waived or that the local government or its assignee is the purchaser of the property.

The act allows certain sales of property to be exempt from the right of first refusal and the requirements established by the act for the right of first refusal. The act also allows the local government to waive its right of first refusal to purchase a property if the local government elects to disclaim its rights to any proposed transaction or for any duration of time or if there is a third-party buyer interested in purchasing the property with the same commitment to preserving or converting the property for long-term affordable housing that enters into an agreement with the local government concerning the third-party buyer's commitment to long-term affordable housing.

If the local government, its assignee, or a third-party buyer who has committed to preserving or converting the property for long-term affordable housing has acquired the property and maintained the property for long-term affordable housing for 50 years, the property may be converted to another use if the following conditions are met:

- Notice is given to residents prior to the conversion;
- Any displaced residents are provided with compensation for relocation; and

- The local government, its assignee, or a third-party buyer who has committed to preserving or converting the property for long-term affordable housing guarantees the development or conversion of an equal or greater amount of units within the boundaries of the local government for long-term affordable housing and offers the units first to any residents displaced by the conversion of the property.

The act also provides that the attorney general's office has responsibility to enforce the provisions of the act and that the attorney general's office, the local government, or a mission-driven organization has standing to bring a civil action for violations of the right of first refusal established by the act. If a court finds that a seller or a third-party buyer that has entered into an agreement with the local government for the waiver of the local government's right of first refusal has materially violated the law with respect to the provisions of the right of first refusal, the court must award a statutory penalty of not less than \$50,000 or an amount equal to 30% of the purchase or listing price of the property, whichever amount is greater.

VETOED by Governor June 6, 2023

H.B. 23-1253 Housing - state demography office - task force on corporate housing ownership created - study - report - appropriation. The act creates the task force on corporate housing ownership (task force) in the state demography office in the department of local affairs and directs the task force to:

- Examine housing ownership by corporate entities and residential real estate transactions by corporate entities in Colorado since January 1, 2008, including purchases resulting from foreclosures;
- Determine a methodology by which to examine the impacts of corporate acquisition and ownership of residential property, with a focus on single-family homes, condominiums, and townhomes;
- Gather and analyze data, reports, and public records related to corporate ownership of housing;
- Make legislative recommendations to mitigate any negative impacts related to corporate ownership of housing that are identified by the task force; and
- Report to specified legislative committees certain information concerning the impacts of corporate ownership of housing.

The task force must report its findings to the transportation, housing, and local government committee of the house of representatives and the local government and housing committee of the senate, or to any successor committees, by October 1, 2025. The task force is repealed, effective September 1, 2027.

For the 2023-24 state fiscal year, the act appropriates from the general fund:

- \$122,549 to the department of local affairs for use by the state demography office;

- and
● \$1,416 to the legislative department for use by the general assembly.

APPROVED by Governor June 7, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1255 Local housing growth restrictions - preemption. The act preempts any existing local governmental entity housing growth restriction that explicitly limits either the growth of the population in the local governmental entity's jurisdiction or the number of development permits or building permit applications for residential development or the residential component of any mixed use development submitted to, reviewed by, approved by, or issued by a governmental entity for any calendar or fiscal year and forbids the enactment or enforcement of any such future local housing growth restriction unless the governmental entity has experienced a disaster emergency, has developed or amended land use plans or land use laws covering residential development or the residential component of a mixed-use development, or is extending or acquiring public infrastructure, public services, or water resources. A governmental entity that experiences one of these events may implement a growth cap for up to 24 months in a 5-year period.

APPROVED by Governor June 7, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1259 Open meetings law - limitation on attorney fees and costs for pro se plaintiff challenging violations by local public body related to executive sessions. Under current law, if the court finds a violation of the open meetings law, a prevailing citizen is entitled to costs and reasonable attorney fees. The act specifies that for certain challenges by a pro se plaintiff that are brought in connection with provisions in the open meetings law governing executive sessions in the open meetings law the pro se plaintiff is not entitled to an award of costs or attorney fees.

VETOED by Governor June 6, 2023

H.B. 23-1287 Lodging unit - short term stays - county regulation authority - vacation rental services. A board of county commissioners is currently authorized to license and regulate an owner or owner's agent of a lodging unit that is rented or advertised for short-term stays, and "owner's agent" expressly excludes an internet hospitality service. The act modifies this regulatory authority by clarifying that it applies to lodging units that are available for short-term rentals, which are rentals for less than 30 days, and by excluding a hotel unit from the scope of the authority.

The act also changes "internet hospitality service" to "vacation rental service" (service), defines the term, and provides separate authority for a board of county commissioners to regulate a service. This authority, however, is limited to requiring:

- An owner or owner's agent to include a rental license or permit number, if applicable, in any listing for a lodging unit on the service's website or other digital platform; and
- The service to remove a listing from the service's website or other digital platform, if properly notified by a county that the owner of the listed lodging unit has had a local short-term rental license or permit suspended or revoked or has been issued a notice of violation or similar legal process for not possessing a valid local short-term rental license or permit or that the county has a prohibition on short-term rentals that applies to the lodging unit.

Upon the request of an owner of a hotel unit that is located in a building with one or more lodging units or a vacation rental service on which the hotel unit is listed, a county is required to provide written verification that the hotel unit is exempt from the ordinance because it is not a lodging unit.

APPROVED by Governor June 5, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1305 Law enforcement officers and firefighters - work-related death - continuation of medical and dental benefits for dependents - appropriation. The act eliminates the requirement that a local government that offers police or fire protection services (employer) must contribute to the law enforcement officers' and firefighters' continuation of benefits fund (fund) to be eligible to have the continuation of medical and dental benefits for dependents of an employee who died in a work-related death paid for from the fund for one year. Instead, the act makes any employer eligible to have the continuation of benefits paid for from the fund for one year when an employee dies in a work-related death. To provide for the costs of ongoing claims, the state treasurer is directed to transfer \$150,000 from the general fund to the fund on July 1, 2023, and on July 1 each year thereafter through July 1, 2025.

For the 2023-24 state fiscal year, the act appropriates \$150,000 from the fund to the department of the treasury to be used for the implementation of the act.

APPROVED by Governor June 1, 2023

EFFECTIVE June 1, 2023

GOVERNMENT - MUNICIPAL

S.B. 23-52 Municipal powers - lien for costs of removing weeds, brush, and other rubbish from property - recording notice of lien and certifying amount of lien - collection of lien. The law allows a municipality to levy a lien against real property for costs associated with removing weeds, brush, and other rubbish from the property. Such a lien has priority over other liens, except liens for general taxes and prior special assessments imposed by a municipality. A municipal clerk may certify such a lien to a county treasurer for collection. The act requires a county treasurer to accept such a municipal lien for collection if a municipality records a notice of lien within 4 months of abating the nuisance and certifies the amount of the unpaid assessment for which the lien was levied to the county treasurer within one year of recording the notice of lien.

APPROVED by Governor April 3, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-175 Public improvements - downtown development authorities - tax increment financing arrangements - twenty-year extension periods - board membership during extension periods. A downtown development authority (authority) may use a tax increment financing (TIF) arrangement to generate capital by dedicating growth in property tax or sales tax revenue for a period of 30 years with the option for one 20-year extension. For property tax revenue only, the act creates the option for additional 20-year extension periods during which an authority may use a TIF arrangement if the governing body of the municipality that created the authority extends the period by ordinance. The first additional 20-year extension period may begin upon the expiration of the original 20-year extension.

For the additional 20-year extension periods authorized by the act, 50% of the incremental revenue generated from the TIF arrangement is allocated to a special fund of the municipality that created the authority (special fund) to be used to finance projects within the boundaries of the authority and the other 50% of the incremental revenue is allocated to the other governmental entities that levy property taxes within the boundaries of the authority, unless the municipality and all of the other governmental entities reach an alternative agreement requiring a greater percentage of the incremental revenue to be credited to the special fund. For a 20-year extension period authorized by the act, the base year revenue is recalculated every year.

The act allows a municipality and an authority to enter into an intergovernmental agreement through which the municipality may delegate to the board of the authority the power to incur debt and to pledge money in a special fund of the municipality for the payment of the debt.

During a 20-year extension period authorized in the act, the authority is under the supervision and control of a board consisting of not less than 9 and not more than 13 members, which is between 4 and 8 additional board members compared to when there is not a 20-year extension period authorized in the act. Of the additional board members, one must be a member of the board of county commissioners of the county in which the authority is located, and one must be a member of the school district board of education of the school district in which the authority is located. The other

additional board members are appointed by the governing body of the municipality that created the authority.

APPROVED by Governor June 2, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

GOVERNMENT - SPECIAL DISTRICTS

S.B. 23-110 Metropolitan districts - service plan to include maximum mill levy and maximum debt to be issued - metropolitan district board annual meeting - statement of registered municipal advisor prior to issuing debt - disclosure by sellers. For a proposed metropolitan district that submits a service plan to one or more boards of county commissioners or one or more governing bodies of a municipality on or after January 1, 2024, the service plan is required to include:

- The maximum mill levy that may be imposed for the payment of general obligation indebtedness, as determined by the board of county commissioners of each county that is approving the service plan or the governing body of each municipality that is approving the service plan, as applicable; and
- The maximum debt that may be issued by the metropolitan district, as determined by the board of county commissioners of each county that is approving the service plan or the governing body of each municipality that is approving the service plan, as applicable.

In addition to any other meetings held by the board of directors of a metropolitan district (board), beginning in the 2023 calendar year, the board is required to hold an annual meeting if the metropolitan district was organized after January 1, 2000, has residential units within its boundaries, and is not in inactive status. The board is prohibited from taking any official action at the annual meeting and shall ensure that the annual meeting includes a presentation from the metropolitan district regarding the status of public infrastructure projects within the metropolitan district and outstanding bonds, if any, a review of unaudited financial statements showing the year-to-date revenue and expenditures of the metropolitan district in relation to its adopted budget for that calendar year, and an opportunity for members of the public to ask questions about the metropolitan district. In addition, the board is required to provide a public comment period during the separate meeting at which the board adopts the annual budget for the metropolitan district.

Prior to issuing debt to a director of a metropolitan district or to an entity with respect to which a director of a metropolitan district must make a disclosure pursuant to current law, the board is required to receive a statement of a registered municipal advisor certifying that specified limits on the maximum interest rate of the debt have been met.

On and after January 1, 2024, the seller of residential real property that is located within a metropolitan district is required to provide the purchaser of the property with the official website established by the metropolitan district. The seller is required to provide the information on the Colorado real estate commission approved seller's property disclosure.

APPROVED by Governor April 3, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1005 Colorado new energy improvement district - resiliency and water efficiency improvements - notice requirement. The commercial property assessed clean energy program

(C-PACE) is part of the new energy improvement program. C-PACE allows owners of eligible real property to apply to the Colorado new energy improvement district (district) to finance certain energy efficiency improvements. The act allows owners to also apply to the district to finance resiliency improvements and water efficiency improvements.

Additionally, when the district approves a C-PACE application, an owner consents to the district levying a special assessment on an owner's eligible real property. Current law requires the district to notify district members and existing lienholders about the special assessment and the availability of a hearing to resolve any complaints or objections. After a hearing, current law further requires the district to pass a resolution resolving any complaints or objections. The act eliminates the requirements for the district to give notice about a hearing, conduct a hearing, and pass a resolution resolving complaints or objections. Instead of notifying district members and existing lienholders about the availability of a hearing, the act requires the district to send a notice of assessment, which specifies the amount of the special assessment to be levied on the eligible real property and explains that the special assessment constitutes a lien against the eligible real property.

APPROVED by Governor March 8, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1023 Special district construction contracts - notice threshold - inflation adjustment. Public notice for bids on special district construction contracts is currently required when the contract cost is \$60,000 or more. The act increases the notice threshold to \$120,000 or more and requires the amount to be adjusted for inflation every 5 years.

APPROVED by Governor March 17, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1062 Metropolitan district - parks or recreational facilities or programs - funding with sales tax. The act allows a metropolitan district, which has existing authority to levy a sales tax to fund safety protection, street improvement, transportation, and fire protection services, to also levy a sales tax to provide parks or recreational facilities or programs within the district in which the tax is levied.

APPROVED by Governor April 17, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

GOVERNMENT - STATE

S.B. 23-1 Public-private collaboration unit - functions - public projects that provide affordable housing - unused state-owned real property fund - appropriation. The public-private collaboration unit (unit) in the department of personnel (department) promotes the use of public-private partnerships between state public entities such as departments, agencies, or subdivisions of the executive branch of state government, and private partners as a tool for time and cost-efficient completion of public projects. The act requires that the unit give preference to proposed or executed public-private partnership agreements that will use state-owned real property for mixed-income development and affordable housing that is proportional to a community's demonstrated affordable housing needs and authorizes the unit to undertake additional functions in connection with public projects that provide affordable housing including:

- Accepting gifts, grants, and donations, which if monetary, are to be credited to the unused state-owned real property fund (fund);
- Utilizing proceeds from real estate transactions and revenue from public-private agreements;
- Acting as an agent on behalf of the department in real estate transactions using real property that upon approval by the governor has been deeded to the department by a state public entity, including for the purchase, transfer, exchange, sale and disposition, and lease of real property; and
- Establishing a process for using requests for information to solicit public projects.

The act also allows the department and the unit to use money from the fund to facilitate these additional functions by the unit in connection with public projects that provide affordable housing and for the standard operating expenses of the unit. The state treasurer is required to transfer \$5,000,000 from the general fund to the fund on July 1, 2023.

For the 2023-24 state fiscal year, the act appropriates \$47,583 to the department of law from the legal services cash fund from revenue received from the department of personnel that is continuously appropriated to the department of personnel from the unused state-owned real property fund. The department of law may use the appropriation to provide legal services for the department of personnel.

APPROVED by Governor May 20, 2023

EFFECTIVE May 20, 2023

S.B. 23-6 Office of economic development - rural opportunity office - creation - duties - appropriation. The act codifies the rural opportunity office (office), which began its work in the office of economic development in 2019. The director of the office is designated by and reports to the director of the office of economic development.

The office is required to serve as Colorado's central coordinator of rural economic development matters with certain staff physically located in rural communities across Colorado, work with coal transitioning communities to explore unique business and economic development opportunities, make recommendations that inform the governor's policy on rural economic

development matters, and measure the success of program outreach and determine whether Colorado's rural communities receive more statewide funding as a result of the efforts of the office.

For the 2023-24 state fiscal year, \$299,193 is appropriated from the general fund to the office of the governor for use by economic development programs for implementation of the act.

APPROVED by Governor May 20, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-13 Fire investigation - wildland fires - reporting - creation of cash fund - appropriation. The act directs the director of the division of fire prevention and control (division) within the department of public safety to report on the investigation of wildland fires in the state and creates the fire investigation fund to fund fire investigations. The money in the fund is subject to annual appropriation by the general assembly, and the division must prioritize money in the fund for wildland fire investigations.

For the 2023-24 state fiscal year, \$2,764,021 is appropriated to the fire investigation fund from the general fund and the money is reappropriated to the department of public safety for vehicle lease payments, personal services, operating expenses, and local fire investigation reimbursements.

APPROVED by Governor May 12, 2023

EFFECTIVE May 12, 2023

S.B. 23-20 Death certificates - timely issuance. The act changes the time frame required to file a certificate of death with the state registrar from 5 days after a death occurs to 72 hours after the funeral director assumes custody of a dead body, stillborn fetus, or dead fetus unless the individual responsible for completing the medical certification for the death certificate is unable to complete the medical certification for the death certificate within the required time frame, additional inquiry into the cause and manner of death is required by current law, or a coroner, a medical examiner, a forensic pathologist, or other qualified individual determines that additional time is required to determine the cause and manner of death, in which case the certificate of death must be completed and signed as soon as practicable. Any individual, other than a family member of the decedent or other individual acting in a non-professional capacity as the funeral director for the decedent, who is required to initiate, complete, respond to, or file a death certificate must use the electronic death registration system (EDRS) used by the department of public health and environment (department) and the state registrar; except that, a physician who is not yet registered to use the EDRS is not required to use it until March 1, 2024, or the date the physician is registered, whichever is earlier. The department is required to ensure that all physicians are registered to use the EDRS on or before March 1, 2024.

The physician responsible for completing the medical certification for a death certificate must do so within 72 hours after receipt of an EDRS request unless current law requires additional inquiry into the cause and manner of death. If a death is or may be due to unnatural causes, a physician required to complete a medical certification for a death certificate shall notify the coroner or the

medical examiner when current law requires an inquiry or an autopsy to be performed.

The act requires the state registrar to provide a monthly report to the department of regulatory agencies (DORA) that identifies any death certificates for which a medical certification was not completed in a timely manner, and DORA is required to promptly provide the report to the Colorado medical board. DORA is also required to report annually to its legislative oversight committees regarding the number of complaints that DORA received and the number of disciplinary actions taken against a licensee. On and after March 1, 2024, the act defines as "unprofessional conduct" for purposes of the "Colorado Medical Practices Act" repeated or willful failure without reasonable cause to comply with the requirements of completing a medical certification for a death certificate in accordance with any applicable deadline.

The act generally requires a decedent's established primary care physician to complete the medical certification for the decedent's death certificate if the death appears to be due to natural causes and is determined as such with a reasonable degree of medical certainty, the decedent received medical care from the primary care physician within a year of the death, the death occurred when the decedent was not under the direct care of another physician charged with the decedent's care during the illness or condition that resulted in death, and an inquiry into the death is not required. However, if within a year of the death, the decedent had been treated by a physician other than the decedent's established primary care physician for a chronic condition or terminal illness related to the decedent's death, the death appears to be due to natural causes and is determined as such with a reasonable degree of medical certainty, and an inquiry into the death is not required, that physician is responsible for completing the medical certification for the death certificate.

Any deadline in the act by which an individual is required to complete an action relating to a certificate of death or a medical certification for a certificate of death is extended by one day per day of closure if the business or facility at which the individual is employed is actually closed for an entire calendar day that is a weekend day or a legal holiday.

APPROVED by Governor May 1, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-48 Higher education non-tenure track - contracts. The act extends the maximum length of an employment contract between a state system of higher education, or a campus of a state institution of higher education, and an individual who has a non-tenure-track classroom teaching or librarian appointment from 3 years to 5 years.

APPROVED by Governor March 23, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-53 Government employers - restrictions on use of nondisclosure agreements that affect employees. The act prohibits the state, counties, cities and counties, municipalities, school districts,

and any of their departments, institutions, or agencies (public employers) from making it a condition of employment that an applicant for employment or current or past employee (employee) executes a contract or other form of agreement that prohibits, prevents, or otherwise restricts the employee from disclosing factual circumstances concerning the employee's employment with the public employer (nondisclosure agreement) unless the nondisclosure agreement is necessary to prevent disclosure of:

- The employee's identity, facts that might lead to the discovery of the employee's identity, or factual circumstances relating to the employment that reasonably implicate legitimate privacy interests held by the employee who is a party to the agreement if the employee elects to restrict such disclosure;
- Data, information, including personal identifying information, or matters that are required to be kept confidential by federal law or regulations, the state constitution, state law, state regulations, state rules, or a court of law or as attorney-client privileged communications, privileged work product, communications related to a threatened or pending legal or administrative action, or materials related to personnel or regulatory investigations by the employer;
- Information bearing on the specialized details of security arrangements or investigations, including security arrangements for or investigations into elected officials or other individuals, physical infrastructure, or cybersecurity;
- Information derived from communications of the employer related to threatened or pending legal or administrative action;
- Discussions that occur in an executive session authorized by the "Colorado Open Meetings Law";
- Trade secrets or other confidential or sensitive information provided to or made accessible to the employee by a current or prospective contractor, vendor, or grantee or as part of a public-private partnership or entity working with the state as part of an economic development activity;
- Trade secrets or information derived from trade secrets or proprietary information of the employer;
- Information and records not subject to disclosure under the "Colorado Open Records Act" (CORA); or
- Trade secrets owned by the employer.

For a public employer that is the state or a department, institution, or agency of the state, a nondisclosure agreement is also allowed if it is necessary to prevent disclosure of:

- Nonpublic and confidential labor relations positions and strategies;
- Attorney work product;
- Vendor lists and vendor preferences;
- State business-related information received from a third party that the third party has designated confidential; or
- Information and matters related to state active duty orders of national guard soldiers and airmen and personnel disputes subject to the jurisdiction of the United States department of defense;

For a public employer that is a county, a city and county, a municipality, or a department, institution, or agency of a county, a city and county, or a municipality, a nondisclosure agreement is also allowed if it is necessary to prevent disclosure of:

- Trade secrets or other confidential or sensitive information provided to or made accessible to the employee by an employer's current or prospective customer, contractor, lessee, lessor, business partner, or affiliate; or
- Trade secrets or other confidential or sensitive information provided to or made accessible to the employee by a purchaser or seller of property that is engaged in negotiations or under contract with the employer.

The act specifies that any provision in any contract or agreement that amounts to a nondisclosure agreement is deemed to be against public policy and unenforceable against an employee of a public employer who is a party to the contract or agreement unless the provision is intended to prevent disclosure of any information or matters for which an exception to the general prohibition against nondisclosure agreements for the public employer applies.

The act prohibits a public employer from taking any materially adverse employment-related action, including withdrawal of an offer of employment, discharge, suspension, demotion, or discrimination in the terms, conditions, or privileges of employment, against an employee on the grounds that the employee does not enter into a contract or agreement deemed to be against public policy and unenforceable under the act. The act also states that the taking of a materially adverse employment-related action after an employee has refused to enter into such a contract or agreement is prima facie evidence of retaliation and that any public employer that enforces or attempts to enforce a contract or agreement provision deemed by a court to be against public policy and unenforceable under the act is liable for the employee's reasonable attorney fees and costs in defending against the action.

The act requires an action to enforce a provision of the act to be brought in the district court for the district in which the employee is primarily employed. A settlement agreement between an employer that is subject to the act and an employee of the employer must be signed by both the employer and the employee.

A nondisclosure agreement must not prohibit the release of information required to be released under CORA. In addition, a nondisclosure agreement executed by a public employer that is the state or a department, institution, or agency of the state and an employee must state that state employees are protected from retaliation for disclosure of information about state agencies that are working outside the public interest. A public employer may require an employee to enter into a nondisclosure agreement with a third party in the employee's official capacity and on behalf of the employer.

APPROVED by Governor June 2, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-54 Missing or murdered indigenous relatives - office duties - access to records - community volunteer advisory board annual report - dedicated phone line - appropriation. The act requires the office of liaison for missing and murdered Indigenous relatives (office) in the department of public safety (department) to:

- Conduct case reviews of violent or exploitative crimes against an Indigenous person and publish a report about the case reviews annually;
- Communicate with relevant department divisions regarding investigations in cases involving missing or murdered Indigenous relatives;
- Seek a position for a representative of the Indigenous community on the sentencing reform task force of the Colorado commission on criminal and juvenile justice;
- Collaborate with Indigenous-led organizations and the Colorado district attorneys' council (CDAC) to assist CDAC in developing and providing training for victim advocates who work on missing or murdered Indigenous relatives cases; and
- Designate one employee of the office to serve as a point of contact for families in need of support regarding ongoing or completed missing or murdered Indigenous relatives cases.

Office personnel may inspect relevant criminal justice records and medical, coroner, and laboratory records in the custody of state or local agencies that are necessary for the office to perform its duties. The office may seek, accept, and expend gifts, grants, or donations in order to carry out the office's duties and to provide financial support to missing or murdered Indigenous relatives' families.

The act requires the community volunteer advisory board within the office (advisory board) to prepare an annual report that includes a summary of the advisory board's work during the prior year and issues related to the office's work. The advisory board is required to submit its report to the judiciary and state affairs committees of the house of representatives and the senate.

The state's fusion center in the office of prevention and security within the department shall create a dedicated phone line for missing or murdered Indigenous relatives that operates 24 hours a day, 7 days a week, and connects callers with the appropriate contact at the office or the Colorado bureau of investigation.

The act appropriates \$191,973 from the general fund to the department of public safety for administrative services and expenses related to the division of homeland security and emergency management and \$170,601 from the general fund to the judicial department for information technology infrastructure.

APPROVED by Governor June 2, 2023

EFFECTIVE June 2, 2023

S.B. 23-56 Public employees' retirement association - direct distributions - additional 2023 distribution. To recompense the public employees' retirement association (PERA) for the

cancellation of a previously scheduled July 1, 2020, direct distribution of \$225 million, House Bill 22-1029, concerning a requirement that the state make an additional direct distribution to the public employees' retirement association to fully recompense the association for the cancellation of a previously scheduled July 1, 2020, direct distribution, required an additional direct distribution to PERA. However, the additional direct distribution did not fully recompense PERA for the cancellation of the previously scheduled direct distribution. To fully recompense PERA, the act requires the state treasurer to issue a warrant to PERA that consists of the balance of the PERA payment cash fund plus \$10 million paid from the general fund. The PERA payment cash fund is repealed, effective July 1, 2023.

APPROVED by Governor June 2, 2023

EFFECTIVE June 2, 2023

S.B. 23-66 Colorado office of economic development - advanced industries acceleration grant program - advanced industry export acceleration program - eligibility criterion. The act extends the advanced industry export acceleration program, which was scheduled to end on January 1, 2025, and the advanced industries acceleration grant program, which was scheduled to end on July 1, 2024, by 10 years. Through March 1, 2023, the state treasurer annually credited to the advanced industries acceleration cash fund an amount equal to one-half of the bioscience and clean technology income tax withholding growth. The act extends this funding mechanism by 2 years.

Additionally, the advanced industry export acceleration program allows a qualifying business that meets certain eligibility criteria to receive an international export development expense reimbursement. The act removes the eligibility criterion that requires a qualifying business to show a profit during the last fiscal year.

APPROVED by Governor May 17, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-73 EPIC (evidence-based practices implementation for capacity) advisory board - repeal under sunset law. The act implements the recommendation of the department of regulatory agencies, as specified in the department's 2022 sunset review of the EPIC advisory board, to sunset the advisory board.

APPROVED by Governor March 23, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-74 Human trafficking prevention training - sunset review. The act implements the recommendations of the department of regulatory agencies (department), as contained in the

department's 2022 sunset review of the human trafficking prevention training (training). The act continues the training for 7 years, until September 1, 2030.

APPROVED by Governor April 28, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-75 Criminal justice records - deletion of name of and identifying information of child victim and child witness - good cause exception - appropriation. The law has required that a child's name and identifying information be deleted from criminal justice records released to the public if the child was a victim of certain enumerated sexual offenses. The act removes the limitation that a child be a victim of an enumerated sexual offense for the child's name and identifying information to be deleted from a criminal justice record released to the public. The act also requires that the name and identifying information of a child who witnesses a criminal offense be deleted from criminal justice records released to the public. The act specifies that these deletion requirements do not apply to criminal justice records that solely involve traffic offenses.

The act establishes a good cause exception that allows a person to petition a district court for the disclosure of the name and identifying information of a child witness or child victim. The person seeking disclosure must establish good cause for disclosure at a hearing conducted after the child victim, child witness, or their respective legal guardian receives notice. Good cause means a finding that the person seeking disclosure has established that the public interest in accessing the child victim's or child witness's name and identifying information substantially outweighs the harm to the privacy interest of the child victim, child witness, or their respective legal guardian.

The law previously required a criminal justice agency to make the notation "CHILD VICTIM" on a criminal justice record involving a child victim when the child victim's name is disclosed during proceedings related to the criminal justice record or when the child victim or child victim's guardian requests the notation. The act requires that a criminal justice agency make the notation "CHILD WITNESS" on a criminal justice record involving a child witness under the same circumstances.

The act specifies that a victim's right-to-be-heard and notice requirements of the Victim Rights Act apply to a hearing for the disclosure of a child victim's or child witness's name and identifying information.

For the 2023-24 state fiscal year, \$387,449 is appropriated from the general fund to the judicial department for trial court programs and capital outlay needed to implement the act.

APPROVED by Governor May 23, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-137 General fund - transfer to Colorado economic development fund - reporting requirement. The act requires the state treasurer to transfer \$5 million from the general fund to the Colorado economic development fund and requires the Colorado office of economic development (office) to use the transferred money in connection with the federal "Creating Helpful Incentives to Produce Semiconductors (CHIPS) and Science Act of 2022". The act also requires the office to submit an annual report to the joint budget committee detailing how the office is expending the transferred money.

APPROVED by Governor March 6, 2023

EFFECTIVE March 6, 2023

S.B. 23-141 General fund transfers for capital construction. For the 2022-23 state fiscal year, the act transfers from the general fund:

- \$5,592,930 to the capital construction fund;
- \$4,908,395 to the real estate proceeds account that is used, subject to annual appropriation, by the adjutant general of the state for capital construction related to armories; and
- \$499,500 to the information technology capital account of the capital construction fund.

APPROVED by Governor March 3, 2023

EFFECTIVE March 3, 2023

S.B. 23-142 Information technology projects - budget requests - appropriations from information technology account within the capital construction fund - review and oversight by joint technology committee upon request of joint budget committee. With exceptions for the departments of law, state, and the treasury, an executive branch agency and, for a project that is state-funded only, a state-supported institution of higher education is required to submit a budget request for an information technology project to the joint technology committee (JTC) as part of the budget process. In addition, the joint budget committee (JBC) may ask the JTC to review any budget request for an information technology project that was not required to be submitted to the JTC and instead was submitted directly to the JBC.

The act clarifies that a review by the JTC as requested by the JBC may include a request for an information technology project submitted to the JBC by the legislative or judicial department, the department of law, the department of state, or the department of the treasury. The act requires the JTC to oversee any such information technology project that receives an appropriation from the information technology account (account) within the capital construction fund.

The act also clarifies that the general assembly may appropriate money in the account for information technology projects that are not subject to review by the JTC and instead are submitted directly to the JBC by the legislative or judicial department, the department of law, the department of state, or the department of the treasury.

APPROVED by Governor March 3, 2023

EFFECTIVE March 3, 2023

S.B. 23-143 Retail delivery fees - voluntary retailer payments - processing cost waiver - qualified business exemption. Currently, the state and several state enterprises impose fees on retail sales of taxable tangible personal property delivered by motor vehicle to a location in the state. These fees are collectively known as the retail delivery fee (RDF), and a retailer who makes a retail delivery is required to add the RDF to the price of the retail delivery, collect it from the purchaser, and pay the RDF revenue to the department of revenue (department), which distributes the revenue to the appropriate cash funds.

The department generally administers the RDF in the same manner as the state sales and use tax. The act modifies this administration by permitting a retailer to pay the RDF on behalf of the purchaser. If the retailer elects to pay the RDF, then the retailer is:

- Not required to add the RDF to the price of the retail delivery, separately itemize the RDF, or collect the RDF from the purchaser, who is not liable for the amount nor eligible for a refund of an erroneously paid RDF; and
- Required to remit the RDF on the date that would be required if the RDF had been received from the purchaser on the date of the retail delivery.

The department is required to waive any processing costs for a retailer's electronic payment by automated clearing house (ACH) debit of the RDF if the charges would exceed the amount of the RDF revenue being remitted.

The act creates an exemption from the RDF for a retail delivery by a qualified business, which is a business that has \$500,000 or less of retail sales in the prior year or is new, that applies retroactively to when RDFs were first imposed. A purchaser is not eligible for a refund of any RDF that is collected and remitted to the department by a qualified business prior to the effective date of the act.

The act also creates a primary definition for "retail delivery" that is cross-referenced in other RDF provisions, and related to this change, a definition of "retail sale" is repealed where the cross reference makes it unnecessary.

APPROVED by Governor May 4, 2023

EFFECTIVE May 4, 2023

S.B. 23-153 Regulation of notaries - continuation under sunset law. The act implements the recommendations of the department of regulatory agencies, as specified in the department's sunset review of the "Revised Uniform Law on Notarial Acts" (law), as follows:

- Continues the law for 9 years, until September 1, 2032;
- Repeals the requirement that a certificate evidencing a notarial act performed by a notary public indicate the date of expiration of the notary public's commission; and
- Increases the maximum statutory fees from \$5 to \$15 for each document attested by a person before a notary public and from \$10 to \$25 for the notary public's electronic

signature.

The act also:

- Establishes requirements and limitations for the use of interpreters in the facilitation of notarial acts, including a prohibition against the use of an interpreter who has a disqualifying interest, as described in the act, in the transaction for which a notarial act is being performed;
- Limits the liability of a notarial officer for errors in interpretation made in the facilitation of a notarial act; and
- Appropriates \$96,568 for the 2023-24 state fiscal year from the department of state cash fund to the department of state.

APPROVED by Governor May 17, 2023

PORTIONS EFFECTIVE May 17, 2023
PORTIONS EFFECTIVE September 1, 2023

S.B. 23-161 Transfer of money from general fund to Colorado firefighting air corps fund - purchase of fire hawk helicopter. The act directs the state treasurer to transfer \$26 million from the general fund to the Colorado firefighting air corps fund for use by the division of fire prevention and control to purchase a fire hawk helicopter configured for wildfire and other public safety response needs.

APPROVED by Governor May 12, 2023

EFFECTIVE May 12, 2023

S.B. 23-163 PERA eligibility - state trooper - wildlife officer - parks and recreation officer - appropriation. Beginning July 1, 2023, the act classifies a wildlife officer and a parks and recreation officer employed by the division of parks and wildlife (division) in the department of natural resources (department) and hired on or after January 1, 2011, as a state trooper for the purpose of determining the officer's public employees' retirement association service retirement eligibility and benefit.

For the 2023-24 state fiscal year, \$236,364 is appropriated from the wildlife cash fund to the department for use by the division for wildlife operations and \$168,070 is appropriated from the parks and outdoor recreation cash fund to the department for use by the division for state park operations.

APPROVED by Governor June 6, 2023

EFFECTIVE June 6, 2023

S.B. 23-166 Model wildfire resiliency codes - wildfire resiliency code board - wildfire resiliency code board cash fund - appropriation. The act establishes a wildfire resiliency code board (board) in the division of fire prevention and control (division) within the department of public safety

(department) for the purposes of ensuring community safety from and more resiliency to wildfires by reducing the risk of wildfires to people and property through the adoption of statewide codes and standards. The board consists of 21 appointed voting members with specific government or industry qualifications and 3 non-voting members. The board is required to promulgate rules concerning the adoption of codes and standards for the hardening of structures and reducing fire risk in the defensible space surrounding structures in the wildland-urban interface in Colorado, including rules that:

- Define the wildland-urban interface and identify areas of the state that are within it;
- Adopt minimum codes and standards based on best practices to reduce the risk to life and property from the effects of wildfires;
- Identify hazards and types of buildings, entities, and defensible space around structures to which the codes apply; and
- Establish a process for a governing body to petition the board for a modification to the codes and establish the criteria and process for the board to grant or deny an appeal from a decision of the board on a petition for modification.

The act also creates the wildfire resiliency code board cash fund (cash fund) and, subject to annual appropriation by the general assembly, the department shall use money in the fund to implement the provisions of the act. The state treasurer is required to transfer \$250,000 from the general fund to the cash fund on July 1, 2023.

The act requires a governing body with jurisdiction in an area within the wildland-urban interface that has the authority to adopt building codes or fire codes to adopt and enforce a code that meets or exceeds the minimum standards of the codes adopted by the board within 3 months of the date the board adopts its codes. Enforcement of the governing body's adopted codes is done in accordance with the rules and regulations for code enforcement adopted by the governing body and the period to comply with a governing body's adopted codes must be in accordance with the governing body's rules and regulations or within 3 months of adoption, whichever is sooner. If the governing body does not have rules and regulations for code enforcement, the governing body may request support from the division to enforce the code.

For the 2023-24 state fiscal year, the act appropriates \$9,302 from the general fund to the cash fund and reappropriates the money to the department of public safety for use by the division for the board and for vehicle lease payments. An additional \$250,000 is appropriated to the department for use by the division from the cash fund for the board.

APPROVED by Governor May 12, 2023

EFFECTIVE May 12, 2023

S.B. 23-172 Discriminatory or unfair employment practices - harassment defined - protections based on marital status - exception to required accommodations for employees with disabilities - affirmative defense to supervisor harassment claims - nondisclosure agreement limitations - record-keeping requirements - appropriations. For purposes of addressing discriminatory or unfair employment practices pursuant to Colorado's anti-discrimination laws, the act enacts the "Protecting

Opportunities and Workers' Rights (POWR) Act", which:

- Directs the Colorado civil rights division (division) to include "harassment" as a basis or description of discrimination on any charge form or charge intake mechanism;
- Repeals the current definition of "harass" that requires creation of a hostile work environment and redefines "harass" or "harassment" as unwelcome conduct directed at an individual or group of individuals in, or perceived to be in, a protected class, which conduct is subjectively offensive to the individual alleging harassment and objectively offensive to members of the same protected class as the individual alleging harassment, and which conduct need not be severe or pervasive to constitute a discriminatory or an unfair employment practice;
- Adds protections from discriminatory or unfair employment practices for individuals based on their marital status;
- For purposes of the exception to otherwise discriminatory practices for an employer that is unable to accommodate an individual with a disability who is otherwise qualified for the job, eliminates the ability for the employer to assert that the individual's disability has a significant impact on the job as a rationale for the employment practice and specifies that the exception is limited to situations in which there is no reasonable accommodation that would allow the individual to satisfy the essential functions of the job;
- Specifies the requirements for an employer to assert an affirmative defense to an employee's proven claim of unlawful harassment by a supervisor;
- Specifies the requirements that must be satisfied for a nondisclosure provision in an agreement between an employer and an employee or a prospective employee to be enforceable; and
- Requires an employer to maintain personnel and employment records for at least 5 years and, with regard to complaints of discriminatory or unfair employment practices, to maintain those records in a designated repository.

The act appropriates a total of \$1,248,170 from the general fund for the 2023-24 state fiscal year, allocated as follows to the following state departments and offices, to implement the act:

- \$152,866 to the department of corrections;
- \$23,469 to the department of education;
- \$35,415 to the office of the governor;
- \$23,363 to the department of health care policy and financing;
- \$129,081 to the department of human services;
- \$146,894 to the judicial department;
- \$46,833 to the department of labor and employment;
- \$17,708 to the department of law;
- \$76,276 to the department of natural resources;
- \$89,090 to the department of personnel;
- \$52,912 to the department of public health and environment;
- \$52,912 to the department of public safety;
- \$266,298 to the department of regulatory agencies; and
- \$47,045 to the department of revenue.

Additionally, \$88,008 is appropriated from the state highway fund to the department of transportation to implement the act.

APPROVED by Governor June 6, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-180 Department of personnel - state employee payroll - pay periods. The majority of state employees who are paid through the state's payroll system (state employees) are paid monthly and some state employees are paid biweekly. In 2015, in anticipation of the implementation of a new payroll system for state employees, the general assembly enacted an act to require that all state employees be paid twice a month for pay periods that began on or after July 1, 2017. Because the payroll system that would have paid state employees twice a month was not implemented, the act:

- Repeals the requirement that state employees be paid twice a month and restores the monthly and biweekly pay periods;
- Repeals the one-time loan program that would have allowed any state employee to apply to the department of personnel for a loan to assist the employee in July 2017, when the transition to the twice a month payroll system would have created a 2-week lag in state employees' pay; and
- Repeals the state personnel director's authority to delay the date by which state employees would be paid twice a month, as the state personnel director no longer intends to implement a twice a month payroll system.

In addition, state employee salaries that are paid on a monthly basis are paid on the last working day of the month; except that the salary for the month of June is paid on the first working day of July (pay-day shift). The act codifies current practice by specifying that the pay-day shift does not apply to institutions of higher education.

APPROVED by Governor May 1, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-205 Higher education scholarships - scholarships for in-demand or high-priority postsecondary pathways and apprenticeships - appropriation. The act establishes the universal high school scholarship program (program) in the office of economic development (office) to provide scholarships for the 2024-25 academic year to students who pursue an in-demand or high-priority postsecondary pathway, including degrees, certificates, and registered apprenticeships, with a provider on the eligible training provider lists disseminated by the department of labor and employment, a provider in the Colorado state apprenticeship resource directory, a public or private institution of higher education operating in Colorado, or an organization approved by the office (service providers).

The office, or a vendor contracted by the office, administers the program. The office shall

develop policies and procedures necessary to administer the program.

A student is eligible for the program if the student graduated from a Colorado high school or was awarded a high school equivalency credential during the 2023-24 academic year; completes the free application for federal student aid or the Colorado application for state financial aid; and did not receive a grant from the Colorado opportunity scholarship initiative.

Scholarships are awarded in the following priority: First, to all eligible students who intend to enroll at a service provider to pursue an in-demand or high-priority postsecondary pathway, then to other eligible students who intend to enroll at a service provider. The office or vendor determines the amount of each scholarship award, up to a maximum \$1,500. Scholarship money is distributed to the service provider for use by the student for tuition, fees, and books.

The act requires the office to contract with vendors to provide postsecondary and career advising at schools identified by the office. The office shall make efforts to identify a diversity of schools in rural and urban areas of the state to receive postsecondary advising support.

The act requires the state treasurer to transfer \$25 million from the general fund to the universal high school scholarship cash fund (cash fund). The act appropriates \$25 million from the cash fund to the office of the governor for the program.

APPROVED by Governor May 16, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-209 Small business loan program - definition of eligible borrower - technical correction. The "Colorado Loans for Increasing Main Street Business Economic Recovery Act" (CLIMBER Act) provides small business recovery loans to Colorado businesses affected by the COVID-19 pandemic. In 2022, the general assembly amended the CLIMBER Act by requiring that the determination as to whether a business has sufficient financial viability to be an "eligible borrower" be based on the business's current financial condition rather than, as had been the case, the business's financial condition as of February 29, 2020, but in doing so failed to delete all the obsolete statutory references to "February 29, 2020". The act corrects that omission by deleting the remaining obsolete reference to "February 29, 2020,".

APPROVED by Governor May 24, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-215 State employee reserve fund - general fund - transfer. On July 1, 2023, the state treasurer is required to transfer \$4,913,753 from the state employee reserve fund to the general fund.

APPROVED by Governor April 17, 2023

EFFECTIVE April 17, 2023

S.B. 23-234 Paid Family and Medical Leave Insurance Act - employer premiums - termination of prepayment by the state for state employee coverage - transfer from family and medical leave insurance fund to revenue loss restoration cash fund. The act terminates the state's prepayment of insurance premiums for state employee coverage under the paid family and medical leave insurance program based on the state's advance payment of \$57 million to the family and medical leave insurance fund from the revenue loss restoration cash fund in May 2022. The act terminates such prepayment at the end of fiscal year 2023-24 and requires the state treasurer to transfer \$35 million back to the revenue loss restoration cash fund on or as soon as possible after the date on which the balance of the family and medical leave insurance fund reaches \$100 million.

The act further requires that, on or as soon as possible after the date the state controller publishes the comprehensive annual financial report of the state for fiscal year 2023-24, the state treasurer shall transfer any actual additional unexpended amount of the state's \$57 million advance payment from the family and medical leave insurance fund to the revenue loss restoration cash fund. The act makes a conforming amendment to the statute in which the revenue loss restoration cash fund is created.

APPROVED by Governor April 24, 2023

EFFECTIVE April 24, 2023

S.B. 23-235 Litigation management funds - unanticipated legal needs. The act permits the department of law to use money appropriated to the department for litigation management to address unanticipated state legal needs. The department is prohibited from using that money for employee salary increases, promotions, reclassifications, or bonuses, or to offset personal services deficits in the department.

APPROVED by Governor April 20, 2023

EFFECTIVE April 20, 2023

S.B. 23-241 Department of public safety - office of school safety - school safety resource center - grant programs related to school safety - appropriation. The act creates the office of school safety (office) within the office of the executive director in the department of public safety. The office oversees the school safety resource center (center), which assists schools in preventing, preparing for, responding to, and recovering from emergencies and crisis situations by offering training and other supportive services. Among other duties, the center is responsible for providing information and resources related to school safety, school emergency response planning and training, and interoperable communications to the division of fire prevention and control in the department of public safety for distribution to school districts and schools. The act clarifies that this responsibility does not permit the provision of firearms to schools districts or schools.

The director of the office is required to appoint the director of the center and appoint a grants manager to assist schools in obtaining funding related to school safety. The act also creates the crisis response unit within the office to assist schools in responding to a crisis or emergency and creates a youth violence prevention grant program within the office.

Currently, the school access for emergency response grant program (SAFER) is administered

by the division of homeland security and emergency management in the department of public safety. The act moves the administration of SAFER to the office.

The act specifies that eligible entities may use money received from the school security disbursement program to implement school resource officer programs and co-responder programs.

For the 2023-24 state fiscal year, \$25,798,091 is appropriated to the department of public safety for use by the office. This appropriation consists of \$20,401,600 from the general fund, \$5,000,000 from the school access for emergency response grant program cash fund, \$250,000 from the marijuana tax cash fund, and \$146,491 from the school safety resource center cash fund. To implement the act, the office may use this appropriation as follows:

- \$5,524,916, which consists of \$274,916 from the general fund, \$5,000,000 from the school access for emergency response grant program cash fund, and \$250,000 from the marijuana tax cash fund, for administrative services, which amount is based on an assumption that the office will require an additional 1.8 FTE;
- \$1,825,744, which consists of \$1,679,253 from the general fund and \$146,491 from the school safety resource center cash fund for the center, which amount is based on an assumption that the office will require an additional 11.2 FTE;
- \$1,144,023 from the general fund for the crisis response unit, which amount is based on an assumption that the office will require an additional 3.7 FTE;
- \$303,408 from the general fund for threat assessment, which amount is based on an assumption that the office will require an additional 0.5 FTE;
- \$16,000,000 from the general fund for the school security disbursement program; and
- \$1,000,000 from the general fund for the youth violence prevention program.

For the 2023-24 state fiscal year, \$313,951 is appropriated to the department of public safety for use by the office of the executive director of the department of public safety. This appropriation is from the general fund. To implement the act, the office of the executive director may use this appropriation as follows:

- \$108,422 for personal services, which amount is based on an assumption that the office of the executive director will require an additional 0.9 FTE;
- \$80,761 for health, life, and dental;
- \$1,141 for short-term disability;
- \$35,571 for amortization equalization disbursement;
- \$35,571 for supplemental amortization equalization disbursement;
- \$9,135 for operating expenses;
- \$10,800 for vehicle lease payments; and
- \$32,550 for leased space.

APPROVED by Governor April 27, 2023

EFFECTIVE April 27, 2023

S.B. 23-243 Capital construction - transfers from general fund to capital construction fund. The act requires transfers to be made on July 1, 2023, from the general fund and the general fund exempt

account of the general fund to the capital construction fund and the information technology capital account of the capital construction fund as follows:

- \$233,361,030 from the general fund to the capital construction fund;
- \$60,308,481 from the general fund to the information technology capital account of the capital construction fund; and
- \$500,000 from the general fund exempt account of the general fund to the capital construction fund.

APPROVED by Governor April 20, 2023

EFFECTIVE April 20, 2023

S.B. 23-244 Technology accessibility - state agency employees - individuals with disabilities. The act clarifies statutory language to ensure the provision of reasonable accommodations for persons with disabilities.

The act requires the office of information technology to promulgate rules regarding accessibility standards for an individual with a disability for information technology systems employed by state agencies.

The act clarifies language regarding sanctions for failing to comply with accessibility standards.

APPROVED by Governor April 20, 2023

EFFECTIVE April 20, 2023

S.B. 23-245 Transfer - digital inclusion grant program fund- revenue loss restoration cash fund. The act requires the state treasurer to transfer \$8 million from the digital inclusion grant program fund to the revenue loss restoration cash fund on June 1, 2023.

APPROVED by Governor April 20, 2023

EFFECTIVE April 20, 2023

S.B. 23-246 State emergency reserve cash fund - transfers from the general fund and the revenue loss restoration cash fund. The act requires the state treasurer to make 2 transfers to the state emergency reserve cash fund (fund) on June 30, 2023. First, the state treasurer is required to transfer \$20 million from the general fund to the fund. Second, the state treasurer is required to transfer \$10 million from the revenue loss restoration cash fund that originates from the general fund to the fund.

APPROVED by Governor April 20, 2023

EFFECTIVE April 20, 2023

S.B. 23-247 Department of law - new division - division of civil protections and rights. The act establishes the division of civil protections and rights in the department of law.

APPROVED by Governor June 5, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-250 Transfer from severance tax operational fund to capital construction fund. On July 1, 2023, the state treasurer is required to transfer \$10 million from the severance tax operational fund to the capital construction fund. The money is to be used by state-supported institutions of higher education in energy impacted counties for energy-related programs or projects.

For fiscal year 2023-24, the act appropriates \$6 million from the capital construction fund and \$3,108,609 in cash funds from Colorado Mesa university institutional reserves and donations to expand the university's campus-wide geothermal exchange system. For fiscal year 2023-24, the act appropriates \$4 million to Western Colorado university to provide additional teaching and laboratory space for the university's petroleum geology program and to generally allow for the expansion of the natural and environmental sciences department.

APPROVED by Governor April 28, 2023

EFFECTIVE April 28, 2023

S.B. 23-263 Natural disaster mitigation enterprise - loan from general fund to natural disaster mitigation cash fund. The act requires the state treasurer to transfer \$95,000 from the general fund to the natural disaster mitigation cash fund to defray expenses incurred by the natural disaster mitigation enterprise (enterprise) before the enterprise receives fee revenue or revenue bond proceeds. The transfer is a loan from the state treasurer to the enterprise that is required to be repaid and is not a grant for purposes of the state constitution or any other state law. The enterprise is required to repay the loan and accumulated interest by December 31, 2025.

APPROVED by Governor June 6, 2023

EFFECTIVE June 6, 2023

S.B. 23-272 Legislative committee meeting - declared disaster emergency - notice - waiver. The act replaces the requirement that the executive committee of the legislative council and the joint budget committee (committees) hold a joint meeting in March, August, and December if there has been a declaration of a disaster emergency by the governor since the first day of the month for the last required meeting with a requirement that the committees meet if any committee member submits to the chairs of the committees and the governor a written request for a meeting and there has been a disaster declaration by the governor since the first day of the month of the last meeting. Such a request can be waived so that no meeting is required by an affirmative vote of at least two-thirds of the total membership of the committees.

APPROVED by Governor June 6, 2023

EFFECTIVE June 6, 2023

S.B. 23-277 Community safety grant programs - extend appropriations - extend repeal. The crime prevention through safer streets grant program (safer streets program) exists within the department of public safety (DPS) and repeals on November 1, 2023. The act extends the safer streets program, extends reporting requirements, and extends the DPS's authority to use the appropriation received in the 2022-23 state fiscal year to pay for the safer streets program until the appropriation is fully expended.

Two additional grant programs exist within DPS:

- A law enforcement workforce recruitment, retention, and tuition grant program (workforce program) to award grants to law enforcement agencies to address workforce shortages, improve training to P.O.S.T.-certified peace officers, and improve relationships between law enforcement and impacted communities; and
- A state's mission for assistance in recruitment and training policing grant program (SMART program) to award grants to law enforcement agencies to increase the number of P.O.S.T.-certified and non-certified officers who are representative of the communities they serve and to provide training for those additional law enforcement officers.

The act extends the workforce program and the SMART program and their reporting requirements, specifies additional permissible uses for the workforce program and SMART program grant awards, permits DPS to set workforce program and SMART program deadlines, and permits DPS to provide technical support to workforce program and SMART program applicants.

The behavioral health information and data-sharing program (information program) exists within the DPS and repeals on June 30, 2024. The act extends the information program and the DPS's authority to use the appropriation until December 30, 2024.

APPROVED by Governor June 7, 2023

EFFECTIVE June 7, 2023

S.B. 23-278 Capital construction - art in public places - allocation of state funded portion of project - appropriations from revenue loss restoration cash fund. A state agency or institution of higher education that receives an appropriation for a capital construction project is required to allocate not less than one percent of the state funded portion of the project for the acquisition of works of art. In the 2022-23 fiscal year, the general assembly appropriated money from the revenue loss restoration cash fund to state agencies and institutions of higher education for capital construction projects. The act clarifies that the state funded portion of a capital construction project includes money appropriated from the revenue loss restoration cash fund.

In addition, for appropriations for capital construction projects made for the 2022-23 fiscal year only, the act makes the allocation for the acquisition of works of art discretionary rather than mandatory and allows a state agency or institution of higher education that opts not to make such an

allocation to use the money that would otherwise be used for works of art for any other costs associated with the capital construction project.

APPROVED by Governor June 6, 2023

EFFECTIVE June 6, 2023

S.B. 23-283 Infrastructure - federal funding - appropriation. Existing law allows money expended from the "Infrastructure Investment and Jobs Act" (IIJA) cash fund (cash fund) to be used as matching nonfederal money for infrastructure projects pursuant to requirements of the IIJA as well as for grant writing support, project planning support, and administrative needs. The act clarifies that, with respect to the project planning support for which money from the fund is already authorized to be expended, the Governor's office (office) may specifically expend money from the fund for project planning support for federal funding opportunities in connection with the IIJA and related federal funding opportunities including funding opportunities from the "Inflation Reduction Act". The act requires the state treasurer to transfer \$84 million from the general fund to the cash fund on July 1, 2023. Additionally, the act changes the annual reporting requirement of the office to a quarterly reporting requirement beginning on July 1, 2023.

The act also requires the state treasurer to transfer \$5 million from the general fund to the state highway fund on July 1, 2023, for use by the department of transportation to develop comprehensive operational capacity to maximize utilization and implementation of federal infrastructure funding.

The board of trustees of the Colorado school of mines (board of trustees) has been authorized to lease real or personal property, or both, to state or federal governmental agencies, among other entities, for terms not to exceed 80 years. The act expands this authorization to allow the board of trustees to lease such property for terms not to exceed 99 years.

The act appropriates \$84,000,000 for state fiscal year 2023-24 from the "Infrastructure Investment and Jobs Act" cash fund to the office and principal departments of the executive branch of state government. Any portion of the appropriation that is not spent during state fiscal year 2023-24 is further appropriated through state fiscal year 2026-27.

APPROVED by Governor May 22, 2023

EFFECTIVE May 22, 2023

S.B. 23-286 Colorado Open Records Act - identification requirement prohibited - transmission of records available in digital format - denial of inspection of telephone number and home address - records of certain sexual harassment complaints subject to inspection - electronic mail policy - per-page fees for records provided in digital format prohibited - electronic payments allowed. The act makes the following changes to the "Colorado Open Records Act" (CORA):

- Prohibits a custodian of public records from requiring a requester to provide any form of identification to request or inspect records pursuant to CORA unless a requester is otherwise required to provide identification pursuant to law;
- Clarifies that if a public record is available in a digital format that is searchable, the

custodian is required to provide a digital copy of the record in a searchable format unless otherwise requested by the requester;

- Specifies that if a public record is available in a digital format, the custodian is required to transmit copy of the record in a digital format by electronic mail or by another mutually-agreed upon transmission method if the size of the record prevents transmission by electronic mail;
- Prohibits a custodian from converting a digital record into a non-searchable format prior to transmission;
- Allows a custodian to deny a requester's right to inspect the telephone number or home address that a person provides to an elected official, agency, institution, or political subdivision of the state for the purpose of future communication with the elected official, agency, institution, or political subdivision of the state;
- Notwithstanding specified provisions of law, makes certain records of sexual harassment complaints made against an elected official and the results or report of investigations regarding alleged sexual harassment by an elected official available for inspection if the investigation concludes that the elected official is culpable for any act of sexual harassment;
- Requires each member of the general assembly, the governor's office and each office of the governor, and each state agency and institution to submit, on or before January 1, 2024, a report to the staff of the legislative council of the general assembly outlining its respective electronic mail retention policy;
- Prohibits a custodian from charging a per-page fee for providing copies of a public record if the record is provided in a digital or electronic format; and
- Requires a custodian to allow records requesters to pay any fee or deposit associated with the request via a credit card or electronic payment if the custodian allows members of the public to pay for any other service or product provided by the custodian with a credit card or electronic payment.

APPROVED by Governor June 6, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-292 Procurement for public projects - energy sector construction - craft labor requirements - apprenticeship utilization - prevailing wage - appropriation. In 2019, the general assembly adopted an apprenticeship utilization law (apprenticeship utilization law) that requires the general contractor for a public project that does not receive federal money, and that is in the amount of \$1,000,000 or more, to submit, at the time a mechanical, electrical, or plumbing subcontractor is put under contract, certain documentation regarding the contractors that will do the work to the contracting agency. At the same time, the general assembly also adopted a prevailing wage law (prevailing wage law) that requires any contractor who is awarded a contract for a public project by an agency of government for \$500,000 or more and that does not include federal money, and any subcontractors working on the public project, to pay their employees a prevailing wage at weekly intervals.

The act creates a new category of public projects defined as "energy sector public works projects", and requires these projects to comply with the requirements of the apprenticeship

utilization law and the prevailing wage law. An "energy sector public works project" is any project that:

- Has the purpose of generating, transmitting, or distributing electricity or natural gas to provide energy to Colorado individual consumers and businesses, is built by or for a public utility, and is funded in whole or in part by the state or utility customer funding; or
- Has the purpose of generating or distributing electricity or natural gas for the purpose of providing energy to Colorado individual consumers and businesses from utility customer funding as approved by a cooperative electric association.

With certain exceptions, the act requires that a contract between public utilities, cooperative electric associations, or independent power producers and lead contractors for an energy sector public works project include provisions that expressly require that all work performed under the contract comply with the apprenticeship utilization law and the state prevailing wage law if the project is an electric power generation project with a nameplate generation capacity of one megawatt or higher or if the project is a project other than an electric power generation project with a total cost of one million dollars or more. All contracts with subcontractors on the project are also required to include such provisions. If the contract for an energy sector public works project does not include such provisions, the project will not be eligible to receive state funding or to receive required authorizations or approvals from the public utilities commission (PUC).

For projects funded in whole or in part by the state, the requirements to comply with the apprenticeship utilization law and the prevailing wage law apply only when the project is a power generation project with a nameplate generation capacity of one megawatt or higher or an energy storage system with an energy rating of one megawatt of power capacity or 4 megawatt hours of useable energy capacity or higher and the aggregated public assistance from the state is \$500,000 or more. For other projects, the apprenticeship utilization law and the prevailing wage law apply only when the total project cost is one million dollars or more and the aggregated public assistance from the state, funding from a public utility, or funding from a cooperative electric association is \$500,000 or more.

The requirements to comply with the apprenticeship utilization law and the prevailing wage law do not apply to a project that is covered by a project labor agreement, work on an energy sector public works project performed by employees of a utility company, work on an energy sector public works project put out to bid on or after January 1, 2024, that is qualified for and claims the increased federal production tax credit or investment tax credit amount by having satisfied federal "Inflation Reduction Act" requirements, a utility-incentivized demand-side management or electrification program, a utility or state-funded building energy efficiency program, service agreements that were entered into on or before March 1, 2023, projects that involve an electric distribution line with a specified capacity, and projects that involve pipelines with a specified minimum yield strength.

The lead contractor for an energy sector public works project is required to prepare certified payroll records for workers directly employed by the contractor, obtain certified payroll records from all contractors and subcontractors on the project, and submit the records to the public utility or other owner of the energy sector public works project weekly. The lead contractor is also required to

prepare a quarterly craft labor certification that attests that the lead contractor and all subcontractors are compliant with the apprenticeship utilization law and the prevailing wage law. The public utility, cooperative electric association, independent power producer, or other owner of an energy sector public works project is required to maintain the records for all craft labor certifications and is required to either provide copies quarterly to the department of labor and employment or require the lead contractor to provide such copies.

The state auditor's office is required to conduct an audit of the PUC's approval of energy sector public works projects no later than January 1, 2029, and at least 5 years thereafter. The purpose of the audit is to establish oversight and accountability for compliance with the "best value" employment metrics for electric resources acquisition and the employment, training, wage, and apprenticeship requirements specified in the act.

Violations of the requirements for energy sector public works project contracts are subject to the penalties described in the apprenticeship utilization law and the prevailing wage law.

In lieu of compliance with the apprenticeship utilization law and the prevailing wage law, a public utility, cooperative electric association, or independent power producer may incorporate a project labor agreement requirement for an energy sector public works project. The PUC is prohibited from denying approval of an energy sector public works project solely because it uses a project labor agreement.

The act specifies which provisions of the apprenticeship utilization law for public projects apply to energy sector public works projects.

Regarding "best value" employment metrics that the PUC is required to consider when it evaluates electric resource acquisitions and requests for certificates of public convenience and necessity for construction or expansion of generating facilities, the act requires the PUC to promulgate rules requiring utilities, when submitting annual progress reports for an electric resource acquisition, to collect and provide to the PUC information concerning the implementation of "best value" employment metrics and requires the PUC to report annually to committees of reference of the general assembly concerning the information that is reported.

The act adds enforcement mechanisms for the existing mechanical, electrical, and plumbing apprenticeship utilization requirements for gas demand-side management projects and beneficial electrification projects. In addition, the act requires that projects undertaken pursuant to specified existing state laws comply with the state mechanical, electrical, and plumbing apprenticeship utilization law and the state prevailing wage law.

For the 2023-24 state fiscal year, the act appropriates \$108,401 from the general fund to the department of labor and employment for use by the division of labor standards and statistics to implement the act.

APPROVED by Governor May 23, 2023

EFFECTIVE January 1, 2024

NOTE: This act was passed without a safety clause.

S.B. 23-294 Capital construction funding - transfers from general fund to capital construction fund. The act increases the amounts of transfers from the general fund to the capital construction fund and from the general fund to the information technology capital account of the capital construction fund that are scheduled to be made on July 1, 2023, as follows:

- The transfer from the general fund to the capital construction fund is increased by \$14,607,257, from \$233,361,030 to \$247,968,287; and
- The transfer from the general fund to the information technology capital account of the capital construction fund is increased by \$3,605,507, from \$60,308,481 to \$63,913,988.

APPROVED by Governor June 6, 2023

EFFECTIVE June 6, 2023

S.B. 23-297 History Colorado - America 250 - Colorado 150 commission - addition of members - appropriation. The act expands the America 250 - Colorado 150 commission (commission), created in 2022 within the state historical society (History Colorado), from 11 to 15 voting members, adding 4 additional members to be appointed by the governor no later than October 1, 2023. The act appropriates \$500,000 for the 2023-24 state fiscal year from the general fund to the department of higher education for use by History Colorado to support the activities of the commission in developing programs and plans for the official observance of the 250th anniversary of the founding of the United States and the 150th anniversary of Colorado statehood. Any unexpended amount of the \$500,000 appropriation is further appropriated to the department of education for the same purpose through state fiscal year 2026-27.

APPROVED by Governor June 6, 2023

EFFECTIVE June 6, 2023

S.B. 23-306 State buildings in the capitol complex - office space under the control of the general assembly - funding sources and funding timing for capital construction - renovation of existing buildings - appropriation. The act modifies the requirement that the office of legislative legal services have suitable office space in the capitol building by allowing the office space for the office of legislative legal services to be in the state capitol complex and within one-quarter mile of the state capitol building.

The act requires the general assembly to provide funding for annual depreciation-lease equivalent payments for appropriations from the revenue loss restoration cash fund in the capital construction section of the annual general appropriation act. In addition, for the 2023-24 fiscal year through the 2028-29 fiscal year, the state controller is required to transfer the money for all annual depreciation-lease equivalent payments for the applicable fiscal year on July 1 rather than on June 30.

On July 1, 2023, and each July 1 thereafter through July 1, 2028, the state treasurer is required to transfer to the capitol complex renovation fund the amount transferred to the capitol complex master plan implementation fund that was not required for the financing of the development

of the national western center in the applicable fiscal year.

The act repeals the specific designation of 2 floors in the capitol building annex at 1375 Sherman street as legislative space and requires the executive committee of the legislative council, the director of the division of capital assets, the secretary of the senate, the chief clerk of the house of representatives, the director of the office of legislative legal services, the director of research of the legislative council, and the state auditor to determine, prior to the beginning of the 2025 legislative session and with the approval of the executive committee of the legislative council and the governor, which areas in the capitol building annex are legislative space. The general assembly is required to vacate the legislative space at the state office building at 1525 Sherman street within one year after the completion of the renovation of the capitol building annex at 1375 Sherman street and thereafter, such space in the office building at 1525 Sherman street will be executive space.

For the 2023-24 state fiscal year, the act appropriates \$20,479,729 to the department of personnel from the capitol complex renovation fund for capital construction related to specific capitol complex renovation projects.

APPROVED by Governor June 6, 2023

EFFECTIVE June 6, 2023

H.B. 23-1032 Civil rights - exceptions to existing exhaustion of administrative remedies requirement for alleged discriminatory or unfair employment, housing, or advertising practices created - exclusion by reason of a person's disability in places of public accommodation prohibited - court order requiring compliance with civil rights law. The act creates exceptions to the general rule that a person must first exhaust the proceedings and remedies available to them before filing an action in district court based on an alleged discriminatory or unfair practice related to certain employment practices, housing practices, or discriminatory advertising for actions alleging discrimination in places of public accommodation and private actions to enforce laws that prohibit discriminatory housing practices.

The act also prohibits an individual with a disability from being excluded from participation in, or denied the benefits of services, programs, or activities provided by a place of public accommodation.

In addition, the act requires that, in certain civil suits, an individual with a disability is entitled to a court order requiring compliance with applicable provisions along with either actual monetary damages or a statutory fine.

APPROVED by Governor May 25, 2023

EFFECTIVE May 25, 2023

H.B. 23-1053 Department of veterans affairs and department of public safety - authority to accept and expend gifts, grants, and donations. Currently, the division of veterans affairs (division) is authorized to accept gifts, grants, contributions, and donations to the western slope military veterans' cemetery fund but is not authorized to expend such gifts, grants, contributions, or donations. The act gives the division such authority to expend.

Current law also allows certain programs housed within the department of public safety (department) to accept and expend gifts, grants, and donations for each program's specific purpose. However, the department does not have authority to accept or expend gifts, grants, or donations generally. The act authorizes the department to accept and expend gifts, grants, and donations for the purposes of the department and creates the department of public safety gifts, grants, and donations fund. The act does not affect existing programs within the department that are authorized to accept and expend gifts, grants, and donations for their specific purposes.

APPROVED by Governor March 10, 2023

EFFECTIVE March 10, 2023

H.B. 23-1056 State archives - digital records - preservation. The act expands the definition of state "records" to include audio recordings, visual recordings, and audio-visual recordings regardless of their format, which allows these types of records to be deposited in the state archives. It also provides for the preservation of state records through digital scanning when the preservation method meets certain standards established by the department of personnel. The act repeals the requirement that the state archives receives copies of every state publication.

APPROVED by Governor June 5, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1064 Interstate teacher mobility compact - notice - repeal. The act creates the "Interstate Teacher Mobility Compact," which is designed to make it easier for teachers from member states, especially active military members and eligible military spouses, to receive a teacher's license from other member states. The compact becomes effective when 10 or more states enact it.

APPROVED by Governor March 10, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1072 Civil defense workers - compensation. During disaster emergencies, the state uses incident management teams to provide on-scene incident management support during incidents or events that exceed a local jurisdiction's capability or capacity. Some of these incident management teams are staffed by civil defense workers. Under current law, certain civil defense workers are not eligible to be compensated for their response. The act removes this limitation and allows those civil defense workers to be compensated for their response.

APPROVED by Governor March 17, 2023

EFFECTIVE March 17, 2023

H.B. 23-1075 Office of emergency management - wildfire risk areas - emergency management plans - study efficacy and feasibility of integrating evacuation and clearance time modeling - appropriation. The act requires the office of emergency management (office) to study the efficacy and feasibility

of local or interjurisdictional emergency management agencies with jurisdiction in a wildfire risk area to integrate evacuation and clearance time modeling into the emergency management plans that such an agency is required to adopt for its area. The report must be completed on or before December 1, 2023, and the office must report the findings of the study to specific committees of the general assembly during the 2024 legislative session.

For the 2023-24 state fiscal year, \$45,000 is appropriated from the general fund to the department of public safety for program administration related to the office of emergency management.

APPROVED by Governor May 12, 2023

EFFECTIVE May 12, 2023

H.B. 23-1087 State fiscal rules - authorized advance payment - purchase of state agricultural products by charitable food organization. The act creates an additional exception to the general prohibition on advance payment in the state's fiscal rule by directing the controller to promulgate rules providing for advance payment for the purchase of state agricultural products by a charitable food organization using state grant money.

APPROVED by Governor March 31, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1100 Immigration detention - state and local government involvement - prohibition. Beginning on January 1, 2024, the state and any local government in the state or any agency, officer, employee or agent of the state or a local government (governmental entity) is prohibited from:

- Entering into an agreement for the detention of individuals in an immigration detention facility that is owned, managed, or operated by a private entity;
- Selling any government-owned property for the purpose of establishing an immigration detention facility that is or will be owned, managed, or operated by a private entity;
- Paying any costs related to the sale, purchase, construction, development, ownership, management, or operation of an immigration detention facility that is or will be owned, managed, or operated by a private entity;
- Receiving any payment related to the detention of individuals in an immigration detention facility that is owned, managed, or operated by a private entity; or
- Giving financial incentives or benefits to a private entity in connection with the sale, purchase, construction, development, ownership, management, or operation of an immigration detention facility that is or will be owned, managed, or operated by a private entity.

Nothing in the act prohibits a governmental entity from providing health and safety resources to individuals who are being detained for immigration purposes or a local government from contracting for health, utility, and sanitation services to immigration detention facilities.

Beginning on January 1, 2024, a governmental entity is prohibited from entering into or renewing an agreement for payment to house or detain individuals for federal civil immigration purposes (immigration detention agreement). In addition, a governmental entity with an existing immigration detention agreement is required to exercise the termination provision contained in the agreement by January 1, 2024, or as soon as possible within the terms of the immigration detention agreement if termination by January 1, 2024 is not possible.

APPROVED by Governor June 6, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1106 The fire and police pension association - cost of living adjustments - noncompounding. Current law authorizes the board of the fire and police pension association (FPPA) to grant compounding cost of living adjustments (COLAs). The act authorizes the board of FPPA, within certain limits, to also grant noncompounding COLAs.

APPROVED by Governor March 23, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1141 State historical society - authority to sell real property no longer within the mission of the state historical society - proceeds to be credited to state museum cash fund. The act grants the state historical society, also known as history Colorado, the authority to sell 3 properties that no longer fit within the mission of history Colorado.

Specifically, the act grants history Colorado the authority to sell the following:

- The real property known as the McFarlane House in Central City;
- The real property known as the Pearce-McAllister Cottage in Denver; and
- The real property known as the Pueblo Museum Support Center, which was used as a storage facility by history Colorado until the artifacts housed at the facility were recently moved to a more northern storage facility for better access by history Colorado staff.

The act specifies that the proceeds of the sales are to be credited to the state museum cash fund to be used in connection with the acquisition or construction of a consolidated collections care and storage facility or for controlled maintenance.

APPROVED by Governor March 31, 2023

EFFECTIVE March 31, 2023

H.B. 23-1232 Division of housing - scope of authority related to certain types of grants - clarification. Sections 1 and 4 of the act clarify that money that was transferred from the general fund or the affordable housing and home ownership cash fund to the Colorado heritage communities fund

on June 27, 2021, or as soon as was practicable thereafter, must be expended before July 1, 2025.

Section 2 clarifies that money that was transferred from the general fund to the housing development grant fund on June 27, 2021, must be expended before July 1, 2025.

Section 3 clarifies that the division of housing may award multiple grants to multiple grant recipients for multiple regional navigation campuses in the Denver metropolitan area to respond to and prevent homelessness.

APPROVED by Governor May 17, 2023

EFFECTIVE May 17, 2023

H.B. 23-1234 Colorado energy office - streamlined solar permitting and inspection grant program - creation - appropriation. The act creates the streamlined solar permitting and inspection grant program (program) in the Colorado energy office (office), which will grant money to local governments to implement free automated permitting and inspection software for residential solar projects. To fund the program, the act creates the streamlined solar permitting and inspection cash fund (fund), which is annually appropriated to the office, and appropriates \$992,709 from the general fund to the fund for fiscal year 2023-24.

The act requires the office to administer the program by developing procedures to award money to applicants, establishing a process for applicants to apply for money, requiring applicants to demonstrate expected costs to implement the automated permitting and inspection software, and beginning to approve applicants no later than June 30, 2024. A grantee is encouraged to implement the free automated permitting software within 180 days of receipt of grant money. Grantees are required to report to the office the implementation status of the free automated permitting software one year after being granted the money, and are encouraged to voluntarily report the same information each year thereafter for 4 years. The office is required to report to the house of representatives energy and environment committee, the senate transportation committee, and the joint budget committee the progress of the grant program yearly beginning on January 1, 2025, and continuing until the repeal of the program on July 1, 2034, or until 5 years after the last grant is awarded, whichever comes first.

APPROVED by Governor May 11, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1247 Colorado energy office - assessment of electric transmission and advanced energy solutions technologies in rural Colorado - studies - report - appropriation. The director of the Colorado energy office or the director's designee (director) is required to conduct studies of electric transmission and advanced energy solutions technologies in rural Colorado. One study must consider ways to assist northwestern and west end of Montrose county, Colorado as it transitions to producing advanced firm dispatchable energy resources. The other study must consider the potential for the development of new energy resources in southeastern Colorado. The act specifies information that the director is required to consider in the studies.

On or before July 1, 2025, the director is required to submit the director's findings and conclusions of both studies to the legislative committees of reference with jurisdiction over energy matters and to the just transition office.

The act appropriates \$50,000 from the just transition cash fund to the office of the governor for use by the Colorado energy office to implement the act.

APPROVED by Governor May 20, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1270 Public safety - division of homeland security and emergency management - urgent incident response - appropriation. The act creates the urgent incident response fund (fund). Money in the fund is annually appropriated to the division of homeland security and emergency management (division) in the department of public safety (department) to reimburse state agencies and local governments for the costs of responding to urgent incidents that do not rise to the level of disasters or emergencies.

The act requires the division to:

- Publish certain information on its website regarding reimbursements made to state agencies or local governments for the costs of responding to urgent incidents; and
- Promulgate rules to establish a process for local governments and state agencies to receive reimbursements.

For the 2023-24 state fiscal year, \$1,000,000 is appropriated from the general fund to the fund and reappropriated from the fund to the department for use by the division for urgent incident response. The department is responsible for the accounting related to this appropriation.

APPROVED by Governor June 1, 2023

EFFECTIVE June 1, 2023

H.B. 23-1271 Lunar New Year Day - observed state holiday. The act designates Lunar New Year Day as an observed, but not a legal, state holiday that may be observed on the first Friday in February in each year.

APPROVED by Governor June 2, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1273 Division of fire prevention and control - wildfire resilient homes grant program - creation - wildfire resilient homes grant program cash fund - appropriation. The act creates the

wildfire resilient homes grant program (program) within the division of fire prevention and control (division). The program allows homeowners to apply to receive a grant for retrofitting or improving a house or other structure on the homeowner's property with strategies and technologies for structure hardening in order to make the house or structure more resilient to the risk of wildfire.

The act also creates the wildfire resilient homes grant program cash fund (fund) for use by the division to award grants and to promote best practices for structure hardening, and on August 15, 2023, the state treasurer is required to transfer \$100,000 from the general fund to the fund. The division is required to annually report to the wildfire matters review committee on expenditures made from the fund and grants that are awarded pursuant to the program.

For the 2023-24 state fiscal year, \$100,000 is appropriated from the wildfire resilient homes grant program cash fund to the division of fire prevention and control for the wildfire resilient homes grant program.

APPROVED by Governor May 12, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1274 Department of natural resources - species conservation trust fund - endangered species program funding - appropriation. The act appropriates \$5 million from the species conservation trust fund for programs that are designed to conserve native species that state or federal law lists as threatened or endangered or that are candidate species or are likely to become candidate species for such listing as determined by the United States fish and wildlife service. Of the \$5 million, the act allocates \$750,000 for native terrestrial wildlife conservation, \$1,500,000 for native aquatic wildlife conservation, \$2,200,000 for the upper Colorado river endangered fish recovery program and the San Juan river basin recovery implementation program, \$50,000 for selenium management, research, monitoring, evaluation, and control, and \$500,000 for the federal endangered species act litigation program.

APPROVED by Governor June 5, 2023

EFFECTIVE June 5, 2023

H.B. 23-1275 Performance-based incentive for film production in Colorado - payments to personal service corporations as qualified local expenditures - requirement for information return - withholding exemptions - definitions. The act modifies the definition of "qualified local expenditure" for purposes of the performance-based incentive for film production in Colorado to include payment by a production company to a personal services corporation to pay the wages or salaries of an employee-owner of the personal service corporation. "Personal service corporation" and "employee-owner of a personal service corporation" have the same meaning as set forth in the internal revenue code. A payment by a production company to a personal service corporation is a qualified local expenditure only if the production company documents the payment in an information income tax return. Payments in excess of \$1 million per calendar year per personal service

corporation are excluded from the calculation of the performance-based incentive. The changes related to the definition of employee and withholding requirements made in the act apply to income tax years commencing on or after January 1, 2024.

The act adds the new information income tax return requirement for production companies to state income tax law and specifies that a production company is generally not required to deduct and withhold state income tax from a payment to a personal service corporation for services. However, if the information return fails to provide a taxpayer identification number for the personal service corporation that can be validated through the taxpayer identification number matching program administered by the internal revenue service, or provides a taxpayer identification number issued for a nonresident alien, then such deduction, withholding, and payment of state income tax to the department of revenue is required.

The act also eliminates the withholding exemption for a payment to a nonresident individual who performs services in connection with a film production for less than 120 days in a calendar year.

APPROVED by Governor June 1, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1283 Colorado refugee services program - relocated to office of new Americans - administration of immigration legal assistance fund and benefit recovery fund - appropriation - federal funds anticipated. Under current law, the department of human services (state department) is tasked with administering the Colorado refugee services program. Effective October 1, 2024, the act transfers the rights, powers, duties, and functions related to the administration of the Colorado refugee services program to the Colorado office of new Americans (ONA) in the department of labor and employment. However, if the federal department of health and human services does not transfer contracts with the state department that are open as of October 1, 2024, the state department will continue administering those contracts until the end of the contract period or when all funds are liquidated, whichever occurs first.

Additionally, the act:

- Adjusts the timeline under the immigration legal assistance fund for awarding grants and reporting to the general assembly; and
- Authorizes the department of revenue to share pertinent tax information with the ONA or a third-party administrator as necessary for purposes of administering the benefit recovery fund.

For the 2023-24 state fiscal year, the act appropriates \$36,523 from the general fund to the department of labor and employment (department) for allocation to the ONA to implement the act. Additionally, the act specifies that, for the 2023-24 state fiscal year, the department anticipates receiving \$250,000 in federal funds for the ONA to implement the act.

APPROVED by Governor June 1, 2023

EFFECTIVE October 1, 2024

NOTE: This act was passed without a safety clause.

H.B. 23-1296 Persons with disabilities - task force on the rights of Coloradans with disabilities - appropriation. The act creates the task force on the rights of Coloradans with disabilities (task force) in the Colorado civil rights commission. The task force shall create a minimum of 4 subcommittees to study and make recommendations on specific issues related to persons with disabilities:

- The rewrite subcommittee, which must study and make recommendations concerning the various issues related to the rewrite and modernization of the Colorado Revised Statutes concerning civil rights of persons with disabilities;
- The outdoors subcommittee, which must study and make recommendations related to the basic accessibility of outdoor spaces for persons with disabilities;
- The housing subcommittee, which must study and make recommendations related to the affordability, accessibility, and attainability of housing for persons with disabilities; and
- The government subcommittee, which must focus on basic physical and programmatic accessibility within state and local government.

Minimum mandatory membership and reporting requirements are outlined for the task force and each subcommittee. The task force shall produce a final report, including recommendations, to submit to the governor and general assembly on or before January 30, 2025.

For the 2023-24 state fiscal year, the act appropriates \$289,568 from the general fund to the department of regulatory agencies for use by the civil rights division to implement the act.

APPROVED by Governor May 25, 2023

EFFECTIVE May 25, 2023

H.B. 23-1299 Department of local affairs - justice reinvestment crime prevention initiative - appropriation. The justice reinvestment crime prevention initiative (initiative) is administered by the division of local government (division) in the department of local affairs (department) to expand small business lending and provide grants aimed at reducing crime and promoting community development. The initiative consists of the targeted crime reduction grant program, which provides funding to eligible entities for programs, projects, or direct services aimed at reducing crime and promoting community development in certain target communities, and a statewide business and entrepreneurship training and grant program for justice-system-involved persons.

The targeted crime reduction grant program cash fund (fund) was continuously appropriated to the department for the purposes of these 2 grant programs. The act specifies that for state fiscal year 2023-24 and subsequent fiscal years, the department may expend money from the fund subject

to annual appropriation and that the department may use any remaining appropriated money during the year following the year for which the general assembly appropriated the money.

The act specifies that the statewide business and entrepreneurship training and grant program for justice-system-involved persons will be repealed on September 1, 2024.

The department may expend money from the justice reinvestment initiative expansion account (account) in the fund for the purposes of expanding the targeted crime reduction grant program to Grand Junction and Trinidad and to implement the grant program for justice-system-involved persons. The law required the state treasurer to transfer any money remaining in the account to the general fund on July 1, 2023 and specified that the account will repeal on September 1, 2023. The act changes the repeal date of the account to September 1, 2024, and requires the state treasurer to transfer any money remaining in the account to the fund on July 1, 2024. The act specifies that the department may expend the transferred money for the targeted crime reduction grant program and the grant program for justice-system-involved persons.

The act clarifies that the initiative is repealed, effective September 1, 2027, and that the department of regulatory agencies will review the initiative for repeal, continuation, or reestablishment before the initiative is repealed.

For the 2023-24 state fiscal year, \$3,000,000 is appropriated from reappropriated funds in the fund to the department of local affairs to fund crime prevention initiative grants.

APPROVED by Governor June 1, 2023

EFFECTIVE June 1, 2023

H.B. 23-1304 Proposition 123 - affordable housing programs - administrative changes. The act modifies the affordable housing programs (programs) created by Proposition 123, which was approved by voters at the 2022 statewide election, by:

- Allowing tribal governments to participate in the programs;
- Requiring the division of local government, rather than the division of housing, to administer the land planning capacity development program;
- Allowing the office of economic development (office) to use a portion of the money in the affordable housing financing fund (financing fund) for its administrative expenses, without increasing the total amount of money from the fund that may be used for administrative expenses;
- Modifying the calculation for determining eligibility for some of the programs;
- Clarifying the description of how money is transferred or allocated;
- Specifying certain units to be included for purposes of the 3% growth obligation that is a condition for funding for local and tribal governments;
- Establishing a process for rural resort communities to petition the division of housing to use alternative percentages of area median income for eligibility for certain affordable housing programs for a given funding cycle;
- Exempting money that was originally from the federal coronavirus state fiscal

- recovery fund from the appropriations for fiscal year 2022-23 used to determine the state's maintenance of effort requirement for other affordable housing funding; and
- Requiring the office and the division of housing to provide 3 annual reports to legislative committees about the affordable housing programs.

APPROVED by Governor June 5, 2023

EFFECTIVE June 5, 2023

H.B. 23-1306 Social media civility - elected officials - authority to restrict public's use of private social media. The act allows a state elected official or local elected official to restrict or bar an individual from using the private social media of the elected official. Private social media is social media that is not supported by government resources and is not required by law to be created or maintained by an elected official. An elected official may restrict or bar an individual from using the private social media of the elected official for any reason, including for bullying, harassment, or intimidation, in the elected official's discretion.

APPROVED by Governor June 5, 2023

EFFECTIVE June 5, 2023

H.B. 23-1309 Film incentive state income tax credit - reduction in appropriation. Current law provides a film production incentive that allows a production company a performance-based cash rebate equal to 20%, or in the discretion of the director of the office of economic development a higher amount, of qualified Colorado expenditures for films, television, series, commercials, and video games produced in the state. The act:

- Restructures the film incentive program, from its current state as a cash rebate program into a refundable income tax credit (credit) for qualified production companies only for income tax years commencing on or after January 1, 2024, but before January 1, 2025, and only if there are at least \$50 million of excess state revenues for state fiscal year 2023-24 that are required to be refunded above amounts being refunded by specified existing or future refund mechanisms.
- Specifies that the credit is not otherwise allowed for any such income tax year unless the general assembly, acting by bill, specifies a maximum aggregate amount of such tax credits that is allowed for that income tax year; and
- Requires the office of economic development and the office of film, television, and media to jointly review the effectiveness of the credit and report the results of the review to the house of representatives finance committee and the senate finance committee, or their successor committees, no later than February 4, 2025.

The act also reduces the state fiscal year 2023-24 long bill appropriation from the Colorado office of film, television, and media operational account cash fund to the office of the governor for use by economic development programs for Colorado office of film, television, and media by \$282,417.

APPROVED by Governor June 5, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

HEALTH AND ENVIRONMENT

S.B. 23-14 Disordered eating prevention program - disordered eating prevention research grant program - appropriation. The act establishes the disordered eating prevention program (program) in the department of public health and environment (department) within the prevention services division (division).

The division is required to:

- Create and maintain an external-facing resource that is updated annually and includes key information about disordered eating, including risk factors and prevention factors;
- Collaborate with the office of suicide prevention and other programs within the division to align work focused on disordered eating, facilitate public outreach, and increase awareness regarding disordered eating prevention and care with a focus on impacted communities, such as youth, older Coloradans, people of color, and lesbian, gay, bisexual, and transgender individuals;
- Partner with the department of education to inform teachers, administrators, school staff, students, and parents on disordered eating preventions; and
- Coordinate the disordered eating prevention research grant program.

The division may:

- Contract with a third-party to conduct focus groups, interview key individuals, conduct surveys, and establish a collaborative group to discuss key issues regarding disordered eating prevention;
- Partner with the behavioral health administration; and
- Identify disordered eating prevention strategies, including dismantling discrimination and bias with regard to weight.

The act creates the disordered eating prevention research grant program (grant program) in the division. The purpose of the grant program is to provide financial assistance to eligible applicants to research root causes of disordered eating and examine risk factors for and protective factors against disordered eating in youth, adults, and older Coloradans.

The act appropriates \$26,679 to the department from the general fund for use by the division for the program.

APPROVED by Governor May 30, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-16 Greenhouse gas emissions reduction measures - investment disclosures - Colorado energy office powers - thermal energy equipment - statewide greenhouse gas pollution reduction goals - class VI injection well regulation - residential use of heat pump systems - electric-powered

lawn equipment tax credit - transmission facilities - distributed generation electricity interconnections - maximum penalty for utilities violations - recovered methane as a clean heat resource - appropriation. Section 1 of the act requires, beginning in 2024, each insurance company issued a certificate of authority to transact insurance business that reports more than \$100 million on its annual schedule T filing with the National Association of Insurance Commissioners (NAIC) to participate in and complete the NAIC's "Insurer Climate Risk Disclosure Survey" or successor survey or reporting mechanism.

Section 2 updates the powers and duties of the Colorado energy office, including requiring the office to make progress toward eliminating greenhouse gas (GHG) pollution from electricity generation, gas utilities, and transportation and to support the implementation of clean heat plans, beneficial electrification, and sustainable land-use measures to reduce energy consumption and GHG pollution.

Section 3 requires the public employees' retirement association (PERA) to include as part of its annual investment stewardship report, which report is posted on the PERA board's website, a description of climate-related investment risks, impacts, and strategies.

Section 4 adds wastewater thermal energy equipment to the definition of "pollution control equipment", which is equipment that the division of administration (division) in the department of public health and environment (CDPHE) may certify. Similarly, section 7 adds wastewater thermal energy to the definition of "clean heat resource", which is a resource that a gas distribution utility includes in its clean heat plan filed with the public utilities commission (PUC).

The air quality control commission (AQCC) is required to establish by rule a fee per ton of GHG based on GHG emissions reported through air pollution emission notices. Section 5 authorizes the fee to be based on other reporting that the commission requires of GHG-emitting entities regarding emissions.

A task force convened by the director of the Colorado energy office is required to develop recommendations, and the AQCC is required to adopt rules based on the recommendations, for the establishment of performance standards with which owners of certain buildings must comply. Under current law, the AQCC is tasked with adopting the rules on or before June 1, 2023. Section 6 extends the deadline for the AQCC's performance standards rules to September 1, 2023.

Section 8 updates the statewide GHG emission reduction goals to add a 65% reduction goal for 2035, a 75% reduction goal for 2040, and a 90% reduction goal for 2045 when compared to 2005 GHG pollution levels. Section 8 also increases the 2050 GHG emission reduction goal from 90% of 2005 GHG pollution levels to 100%.

Section 9 gives the oil and gas conservation commission (COGCC) authority over class VI injection wells (wells) used for sequestration of GHG if the governor and COGCC determine, in accordance with a study that the COGCC conducted in 2021, that the state has sufficient resources to ensure the safe and effective regulation of the sequestration of GHG. If the governor and the COGCC determine there are sufficient resources, the COGCC may seek regulatory primacy under the federal "Safe Drinking Water Act" (primacy) and, when granted, may issue and enforce permits

for wells. The COGCC shall require, as part of its regulation of wells, that operators of the wells maintain adequate financial assurance until the COGCC approves the closure of a well site.

Section 9 further provides that:

- A proposal to site a well in a disproportionately impacted community must be denied if the COGCC determines that the proposal will negatively impact the community;
- In issuing and enforcing a well permit, the COGCC must hold a public hearing and determine that the well complies with the siting requirements of the local government with jurisdiction over the proposed location of the well, the division of administration in the CDPHE has issued an applicable air permit for the well, the operator of the well has received the consent of any surface owner of land where the well would cause a surface disturbance, and the COGCC has added terms and conditions for the well permit to ensure that any public health and environmental impacts from the well are avoided, minimized, or mitigated;
- The COGCC, in consultation with the CDPHE, may adopt rules to establish a process to certify the quantity and demonstrated security of carbon dioxide stored in a well;
- On or before February 1, 2024, the COGCC, in consultation with the CDPHE, shall conduct a study to analyze the safety of wells, including the potential for carbon dioxide releases from wells and methods to limit such potential releases, and, on or before March 1, 2024, shall present its findings and conclusions from the study, including any legislative recommendations, to certain legislative committees. The COGCC shall not provide a permit for a well until the study has been completed and presented to the legislative committees.
- A well must not be sited within 2,000 feet of a residence, school, or commercial building, but the COGCC may adjust the 2,000 foot setback by rule after evaluating the impacts arising from at least 4 wells that have been in place in the state for at least 4 years; and
- The COGCC may conduct a study to determine if the state should seek primacy for all subsurface injection classes of wells that are included in the federal environmental protection agency's underground injection well program.

Sections 10 and 11 prohibit a homeowners' association from disallowing the use of a heat pump system on a residential property located within the common interest community governed by the homeowners' association.

Section 12 establishes a state income tax credit in an amount equal to 33% of the purchase price for new, electric-powered lawn equipment for purchases made in income tax years 2024 through 2026. A seller of new, electric-powered lawn equipment that registers with the department of revenue as a qualified retailer (qualified retailer) and demonstrates that it provided a purchaser a 30% discount from the purchase price of new, electric-powered lawn equipment may claim the tax credit and may retain from the credit allowed an administrative fee not to exceed 3% of the purchase price of the equipment sold.

Sections 13 and 14 extend a \$5,000,000 appropriation made to the division of local government in the department of local affairs in state fiscal year 2020-21 for use for the renewable

and clean energy initiative program to allow the division to use the appropriation until it is fully expended.

Section 16 requires the PUC, when reviewing an electric utility's plan for the construction or expansion of transmission facilities, to consider the need for expanded transmission capacity in the state, including the ability to expand capacity through construction of new transmission lines, improvements to existing lines, or connections to an organized wholesale market.

Section 17 increases the reserve margin for the Colorado electric transmission authority from 15% to 50%.

Section 18 requires retail electric utilities to provide timely service to customers seeking interconnection of the customer's retail distributed generation resource to the utility's grid and requires the PUC to establish, as part of its interconnection rules, timelines for timely interconnection. The PUC, after a hearing on a complaint regarding an alleged violation of the requirements for timely interconnection of a customer's retail distributed generation resource, may fine a retail electric utility up to \$2,000 per day for each day the PUC determines that the violation continued. A retail electric utility may recover its prudently incurred costs to facilitate timely interconnection, including the costs of equipment needed for future upgrades for interconnection. Section 15 defines terms related to interconnection.

Section 19 authorizes an electric public utility to recover its prudently incurred costs for facilitating an electric vehicle charging service connection for a customer, including costs for equipment to allow for future upgrades for such service connections.

Section 20 raises the maximum penalty that the PUC may assess against a utility for a violation of the "Public Utilities Law" from \$2,000 for each offense to \$20,000 per offense for each day that the offense continues. Section 20 also establishes factors that the PUC is required to consider in assessing a penalty against a utility, including the size of the utility, the utility's previous history of any similar violations, remediation measures, and any factors that may mitigate the harm to the utility's customers.

A gas distribution utility in the state is required to comply with clean heat targets by demonstrating the use of clean heat resources. Recovered methane, including biomethane, that meets a documented set of procedures and requirements that the AQCC establishes is such a clean heat resource. Section 21 amends the definition of "biomethane" to include operations for dairy cows, beef cattle, poultry, swine, or sheep and the definition of "recovered methane protocol" to include a protocol that the AQCC adopts to include the use of manure from beef cattle operations.

Sections 22 and 24 incorporate projects to renovate or recondition existing utility transmission lines into the "Colorado Electric Transmission Authority Act", allowing the Colorado electric transmission authority (authority) to finance and renovate, rebuild, or recondition existing transmission lines in order to update and optimize the transmission lines. Section 23 requires that, on and after July 1, 2024, the authority operate on a fiscal year that aligns with the state fiscal year.

Section 25 requires the authority to study the need for expanded transmission capacity,

including the ability to expand capacity through construction of new transmission lines, improvements to existing lines, or connections to an organized wholesale market. The authority is required to present an initial report of its study to the PUC on or before September 1, 2024, and a final report to the joint committee of the legislative committees with jurisdiction over energy matters on or before January 31, 2025. Section 27 requires a local government to expedite, as practicable, its review of a land-use application that proposes a project to renovate, rebuild, or recondition existing transmission lines.

Section 26 authorizes local governments, as part of their land-use authority, to regulate the surface impacts of wells, including the regulation of the location and siting of wells and the imposition of fees to cover emergency response capabilities arising from potential carbon dioxide releases from wells.

For the 2023-24 state fiscal year, the act appropriates:

- \$338,270 from the oil and gas conservation and environmental response fund to the department of natural resources for use by the COGCC to implement this act, including \$317,122 for program costs and \$21,148 for legal services;
- \$14,706 from the general fund to the CDPHE for use by the air pollution control division for personal services related to stationary sources; and
- \$21,148 to the department of law, from reappropriated funds received from the department of natural resources, to provide legal services for the department of natural resources.

APPROVED by Governor May 11, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-140 Independent study of impact and implementation of House Bill 22-1326 - deadline extended - appropriation extended. The act extends the deadline from January 1, 2023, to October 1, 2023, for when the department of public health and environment (department) must contract with an independent entity to conduct a study concerning House Bill 22-1326.

The act extends the authority for the department to use the appropriation received in the 2022-23 state fiscal year to pay for the independent study through the 2024-25 state fiscal year.

APPROVED by Governor March 3, 2023

EFFECTIVE March 3, 2023

S.B. 23-148 Illegal drug laboratories - residential property - remediation - disclosure requirements - appropriation. The act requires the department of public health and environment (department) to create a public database of buildings that have been used as illegal drug laboratories involving methamphetamine. The department must remove a building from the database 5 years after the property has been decontaminated. The database must notify the public as to whether the property has been decontaminated.

A law enforcement agency and an industrial hygienist are required to notify the department upon discovering an illegal drug laboratory that manufactured methamphetamine on residential property.

Colorado law creates a warranty of habitability that authorizes a tenant to void a lease if the property is not habitable. The act adds to the warranty a failure to remediate residential property that has been used as an illegal drug laboratory to make methamphetamine.

To implement the act, \$74,516 is appropriated to the department from the general fund.

APPROVED by Governor June 2, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-150 Disposable wipes - labeling required - violations. Starting December 31, 2023, the act requires each entity described below to label packages of premoistened, nonwoven disposable wipes (covered product) with the phrase "Do Not Flush":

- A manufacturer of a covered product that is sold or offered for sale in this state; and
- A wholesaler, supplier, or retailer that is responsible for the labeling or packaging of a covered product.

The act outlines the parameters to which the labeling must adhere in order to comply with state and federal requirements, as applicable, and specifies that a violation of the requirements of the act is a deceptive trade practice under the "Colorado Consumer Protection Act".

APPROVED by Governor April 11, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-151 Department of public health and environment - office of health equity - health equity commission - continuation under sunset law. The health equity commission created in the office of health equity in the department of public health and environment is scheduled to repeal on September 1, 2023. Pursuant to the recommendation in the department of regulatory agencies' sunset review and report, the act extends the repeal date of the health equity commission to September 1, 2029.

APPROVED by Governor May 16, 2023

EFFECTIVE August 7, 2023

S.B. 23-160 Community crime victims grant program - continuation under sunset law - use of appropriations. The act extends the community crime victims grant program (grant program) 5 years

from the current repeal date of September 1, 2023, to September 1, 2028, and requires a sunset review of the grant program before the grant program's future repeal. The act allows the department of public health and environment to use money appropriated to the community crime victims grant program cash fund for the 2022-23 state fiscal year in the 2023-24 state fiscal year.

APPROVED by Governor May 17, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-188 Protections for accessing legally protected health-care activity - reproductive health care - gender-affirming health-care services. The act requires contracts between insurers or other persons and health-care providers regarding the delivery of health-care services to include a provision that prohibits the following actions if the actions are based solely on the health-care provider's provision of, or assistance in the provision of, reproductive health care or gender-affirming health-care services (legally protected health-care activity) in this state, so long as the care provided did not violate Colorado law:

- A medical malpractice insurer from refusing to issue, canceling or terminating, refusing to renew, or imposing any sanctions, fines, penalties, or rate increases for a medical malpractice policy (section 2);
- A health insurer from taking an adverse action against a health-care provider, including refusing to pay for a provided health-care service (section 3);
- A health insurer from refusing to credential a physician as a network provider or terminating a physician's status as a network provider (section 4); or
- A person or entity from terminating a health-care contract with a health-care provider, unless the person or entity is a religious organization and legally protected health-care activities conflict with the religious organization's bona fide religious beliefs and practices (section 25).

Section 5 of the act protects an individual applying for licensure, certification, or registration in a health-care-related profession or occupation in Colorado (applicant), as well as a health-care professional currently licensed, certified, or registered in Colorado (licensee), from having the license, certification, or registration denied or discipline imposed against the licensee based solely on:

- The applicant's or licensee's provision of, or assistance in the provision of, a legally protected health-care activity in this state or another state or United States territory, so long as the care provided was consistent with generally accepted standards of practice under Colorado law and did not otherwise violate Colorado law;
- A civil or criminal judgment or a professional disciplinary action arising from the provision of, or assistance in the provision of, a legally protected health-care activity in this state or another state or United States territory, so long as the care provided was consistent with generally accepted standards of practice under Colorado law and did not otherwise violate Colorado law;

- The applicant's or licensee's own personal effort to seek or engage in a legally protected health-care activity; or
- A civil or criminal judgment against the applicant or licensee arising from the individual's own personal legally protected health-care activity in this state or another state or United States territory.

Section 6 of the act prohibits a court, judicial officer, court employee, or attorney from issuing a subpoena in connection with a proceeding in another state concerning an individual who accesses a legally protected health-care activity in Colorado or an individual who performs, assists, or aids in the performance of a legally protected health-care activity in Colorado.

Section 7 of the act prohibits the state from applying another state's law to a case or controversy heard in Colorado state court or giving any force or effect to any judgment issued without personal jurisdiction or due process or to any judgment that is penal in nature pursuant to another state's law if the other state's law authorizes a person to bring a civil action against another person or entity for engaging or attempting to engage in a legally protected health-care activity.

If a medical malpractice action is brought in this state against a health-care provider regulated in this state or another state, section 8 of the act prohibits a court or arbitrator from allowing evidence or witness testimony relating to professional discipline or criminal or civil charges in this state or another state concerning the provision of, or assistance in the provision of, a legally protected health-care activity, so long as the care provided did not violate Colorado law.

Section 9 of the act prohibits a peace officer from knowingly arresting or participating in the arrest of any person who engages in a legally protected health-care activity, unless the acts forming the basis for the arrest constitute a criminal offense in Colorado or violate Colorado law.

Section 10 of the act prohibits the issuance of a search warrant to search for and seize any property that relates to an investigation into a legally protected health-care activity.

Section 11 of the act prohibits a judge from issuing a summons in a case when a prosecution is pending, or when a grand jury investigation has started or is about to start, for a criminal violation of another state's law involving the provision or receipt of or assistance with accessing a legally protected health-care activity that is legal in Colorado, unless the acts forming the basis of the prosecution or investigation would also constitute a criminal offense in Colorado.

Section 12 of the act prohibits the issuance of an ex parte order for wiretapping or eavesdropping to obtain any wire, oral, or electronic communication that relates to an investigation into a legally protected health-care activity.

Current law allows for the extradition of a person who committed an act in this state that intentionally results in a crime in the state whose executive authority is making the demand, even though the accused was not in the demanding state at the time of the commission of the crime. Section 13 of the act requires the acts for which extradition is sought to be punishable by the laws of this state if the acts occurred in this state and prohibits the governor from surrendering a person charged in another state as a result of the person engaging in a legally protected health-care activity,

unless the executive authority of the demanding state alleges in writing that the accused was physically present in the demanding state at the time of the commission of the alleged offense.

Section 14 of the act requires a correctional facility or private contract prison incarcerating a person who is capable of pregnancy to, regardless of the person's ability to pay, ensure access to abortions by providing a pregnant person with information about abortion providers; referrals to community-based providers of abortions; referrals to community-based organizations that help people pay for abortions; and transportation to access an abortion; and ensure access to miscarriage management, including medication.

Section 15 of the act adds a reproductive health-care services worker to the list of protected persons whose personal information may be withheld from the internet if the protected person believes dissemination of such information poses an imminent and serious threat to the protected person or the safety of the protected person's immediate family.

Section 16 of the act prohibits the prosecution or investigation of a licensed health-care provider if the health-care provider prescribes an abortifacient to a patient and the patient ingests the abortifacient in another state so long as the abortifacient is prescribed or administered consistent with accepted standards of practice under Colorado law and does not violate Colorado law.

Section 17 through section 20 of the act adds a protected health-care worker to the list of persons authorized to participate in the address confidentiality program.

Section 21 of the act authorizes the attorney general to independently initiate and bring a civil and criminal action to enforce the "Reproductive Health Equity Act".

Section 22 of the act prohibits a state agency from providing any information or using any government resources in furtherance of any out-of-state investigation or proceeding seeking to impose civil or criminal liability or professional sanction upon a person or entity for engaging in a legally protected health-care activity.

Section 23 of the act prohibits a public entity from:

- Restricting any natural or legal person in performing, or prohibit any natural or legal person from providing, reproductive health care through the imposition of licensing, permitting, certification, or similar legislative or regulatory requirements that apply solely to providers of reproductive health care; or
- Prosecuting or otherwise criminally sanctioning any natural or legal person for providing, assisting in the provision of, arranging for, or otherwise assisting a person in accessing reproductive health care performed within the scope of applicable professional licensure and certification requirements.

Section 24 of the act states the venue to enforce an action to under the provisions of the "Reproductive Health Equity Act" is in the Denver district court.

Section 26 and 27 of the act require every local government that has adopted or adopts a

zoning ordinance to recognize the provision of outpatient reproductive health care as a permitted use in any zone in which the provision of general outpatient health care is recognized as a permitted use.

APPROVED by Governor April 14, 2023

EFFECTIVE April 14, 2023

S.B. 23-189 Health insurance coverage - HIV prevention drugs - prohibition on cost sharing - HIV treatment drugs - prohibition on step therapy and prior authorization under health benefit plans or medical assistance program - coverage of sterilization services - coverage for preventive health-care services - coverage for total cost of abortion care - health-care providers' authorization to furnish contraception to minors - reproductive health-care program expansion of services - family planning access collaborative - appropriations. The act changes the term "HIV infection prevention drug", as used in the Colorado Revised Statutes, to "HIV prevention drug". The act specifies that, for health benefit plans issued or renewed on or after January 1, 2025, if counseling, prevention, and screening for a sexually transmitted infection (STI) are covered services, the health benefit plan must provide coverage without cost sharing, regardless of the covered person's gender, and the coverage must include HIV prevention drugs and the services necessary for initiation and continued use of an HIV prevention drug consistent with federal guidelines.

The act prohibits, before July 1, 2027, a health insurance carrier from requiring a covered person to undergo step therapy or to receive prior authorization before a health-care provider may prescribe or dispense a medication for the treatment of HIV that is included on the insurance carrier's prescription drug formulary as of March 1, 2023. The act requires the division of insurance to contract for a study, which includes consultation with the HIV community, to consider the predicted costs and health impacts of removing step therapy and prior authorization before a health-care provider may prescribe or dispense HIV treatment drugs and to provide the study to the general assembly by October 1, 2026. The act specifies the requirements and time frames for health insurance carriers for certain prior authorization requests related to HIV prescription drug coverage.

Regarding the state medical assistance program, the act prohibits the department of health care policy and financing (state department), before July 1, 2027, from using prior authorization or step therapy requirements for prescription drugs prescribed for the treatment or prevention of HIV, except for utilization review that is necessary for patient safety or for ensuring the prescribed use is for a medically accepted indication.

For health benefit plans issued or renewed on or after January 1, 2025, if sterilization services are a covered service, a health benefit plan must provide the coverage regardless of the covered person's sex or gender and without deductibles, copayments, coinsurance, annual or lifetime maximum benefits, or other cost sharing; except that this provision does not apply to a high deductible health benefit plan until the deductible has been met, unless allowed pursuant to federal law.

The act requires mandatory preventive health-care services coverage for health benefit plans to include, in addition to the A and B recommendations of the United States preventive services task force, the recommendations of the advisory committee on immunization practices to the centers for disease control and prevention in the federal department of health and human services (HHS) and

the women's, infants', children's, and adolescents' preventive services guidelines of the health resources and services administration in the HHS.

The act requires large employer health benefit plans issued or renewed on and after January 1, 2025, to provide coverage for the total cost of abortion care without policy deductibles, copayments, or coinsurance. Individual and small group health benefit plans must provide this coverage if the HHS confirms the state's determination that the coverage is not subject to state defrayal pursuant to federal law. The provisions relating to abortion care do not apply to a high deductible health benefit plan until the deductible has been met, unless allowed pursuant to federal law. Employers are exempted from providing coverage if providing coverage conflicts with the employer's sincerely held religious beliefs or the employer is a public entity prohibited by section 50 of article V of the state constitution from using public funds to pay for induced abortions.

With the minor's consent, a health-care provider acting within the scope of the health-care provider's license, certificate, or registration, may furnish contraceptive procedures, supplies, or information to a minor without notification to or the consent of the minor's parent or parents, legal guardian, or any other person having custody of or decision-making responsibility for the minor.

The act expands the reproductive health-care program administered by the state department to include additional family planning services and family-planning-related services.

The act requires the department of public health and environment (department) to convene a family planning access collaborative, on or before September 1, 2023, to advise the department in identifying access gaps that contribute to Coloradans lacking family planning access. The department shall publish its recommendations on or before December 15, 2023.

To implement the act, for the 2023-24 state fiscal year the act appropriates:

- \$200,000 to the department of public health and environment from the general fund for the family planning access collaborative and corresponding report;
- \$67,627 and 0.5 FTE to the department of regulatory agencies from the division of insurance cash fund; and
- \$23,263 and .1 FTE to the department of law from reappropriated funds received from the department of regulatory agencies for legal services.

APPROVED by Governor April 14, 2023

EFFECTIVE April 14, 2023

S.B. 23-191 Organics materials diversion - study - required topics - report - funding. The act requires the department of public health and environment (department) to study the impacts, benefits, and feasibility of requiring diversion of organic materials from landfills. The organics diversion study (study) must:

- Incorporate and utilize data contained in the statewide organics management plan and other existing Colorado studies and research from other states;
- Explore how to leverage existing organics diversion projects in Colorado to inform

- implementation of broader organics diversion projects across the state;
- Evaluate the environmental benefits of diversion of organic materials from landfills;
- Review and identify the infrastructure needed to enable diversion of organic materials from landfills and create a plan for infrastructure development;
- Create actionable parameters for local governments to use to determine if, where, and what types of organics processing infrastructure is needed and basic toolkits to help local governments build the infrastructure;
- Outline and recommend policies and regulations that would enable diversion of organic materials from landfills;
- Assess informational resources necessary to enable diversion of organic materials from landfills; and
- Identify opportunities for end-market development of organic materials diverted from landfills.

On or before August 1, 2024, the department is required to submit a report of the study's research and findings to specified legislative committees of reference.

The act authorizes the use of money in the front range waste diversion cash fund and the recycling resources economic opportunity fund to pay for costs associated with conducting the study.

APPROVED by Governor May 17, 2023

EFFECTIVE May 17, 2023

S.B. 23-198 Clean energy plans - achievement of greenhouse gas emission reduction goals - data verification requirements - additional reporting requirements - stakeholder meeting to address challenges - cooperative retail electric utilities - wholesale power marketers - new electric utilities - rules - appropriation. Current law requires that certain entities submit a plan (clean energy plan) to the division of administration (division) in the department of public health and environment (department) and the public utilities commission (PUC) to reduce the entity's greenhouse gas emissions associated with the entity's electricity sales and to achieve at least an 80% reduction in greenhouse gas emissions caused by the entity's Colorado retail electricity sales by 2030 relative to 2005 levels (2030 clean energy target).

In addition to meeting the 2030 clean energy target, the act requires that any clean energy plan submitted to the division on or after January 1, 2024, achieve at least a 46% reduction in greenhouse gas emissions caused by the entity's Colorado electricity sales by 2027 relative to 2005 levels if the achievement of the 46% reduction in greenhouse gas emissions will maintain reliability and result in an incremental average annual cost of no more than 2.5% of the entity's system costs (new clean energy plan requirements). As part of any electric resource plan developed, finalized, or submitted on or after July 1, 2023, any entity that submits a clean energy plan to the division before January 1, 2024, is required to model:

- At least one portfolio that achieves the 2030 clean energy target; and
- At least one portfolio that achieves greater greenhouse gas emissions reductions than the reductions that the clean energy plan submitted before January 1, 2024, is projected to achieve by 2027 and the 2030 clean energy target.

The act also requires any entity that submits a clean energy plan to the division on or after July 1, 2023, to base the entity's 2005 baseline greenhouse gas emissions, estimated 2027 greenhouse gas emissions, and estimated 2030 greenhouse gas emissions on:

- The greenhouse gas emissions from each resource that is used to supply electricity to the entity's retail electricity customers; and
- The greenhouse gas emissions from each resource that generates electricity and that is owned by the entity if the applicable greenhouse gas emissions are not otherwise required to be included in another entity's clean energy plan.

The act also requires the division to independently confirm or calculate the data it uses in verifying a clean energy plan submitted to the division on or after July 1, 2023, and allow the public to access and provide comments about the data prior to the verification of a clean energy plan.

No later than June 1, 2028, the division, for each entity that is required to submit a clean energy plan and does not have its electric resource planning process regulated by the PUC, must:

- Calculate the percentage of reduction in greenhouse gas emissions achieved by December 31, 2027, relative to 2005 levels; and
- Determine whether each entity has obtained all of the resources necessary to achieve the 2030 clean energy target.

If the division determines that an entity has not obtained all of the resources necessary to achieve the 2030 clean energy target, no later than December 31, 2028, the entity must submit a report to the division identifying the resources that it has procured to achieve the 2030 clean energy target (report).

If the entity does not submit the report on or before December 31, 2028, or if the division determines from the report that an entity has not obtained all of the resources necessary to achieve the 2030 clean energy target, the air quality control commission (AQCC) shall adopt rules that limit the greenhouse gas emissions by the entity to ensure that the entity achieves the 2030 clean energy target and the division shall amend any of the entity's operating permits for sources of greenhouse gas emissions to ensure that the entity achieves the 2030 clean energy target.

The act also requires:

- If a utility's Colorado electricity sales between January 1, 2022, and December 31, 2022, are equal to or greater than 300,000 megawatt-hours, the utility to submit a clean energy plan to the division; and
- The owner of an electric generating unit that has a nameplate capacity equal to or larger than 50 megawatts and emits greenhouse gases directly into the atmosphere to submit a clean energy plan to the division that covers all greenhouse gas emissions from the unit that are not otherwise required to be included in the clean energy plan of another entity.

Any entity required to submit a clean energy plan to the division may designate another entity

to submit a clean energy plan on its behalf or submit a joint clean energy plan with another entity.

No later than October 1, 2024, the division shall submit a report to the general assembly that includes certain data regarding which electric utilities have submitted clean energy plans to the division and the electricity generation resources that are responsible for greenhouse gas emissions in the state.

No later than December 31, 2024, the division shall issue guidance specifying the manner in which the division will track and account for greenhouse gas emissions associated with electric utility transactions in organized markets.

No later than March 31, 2026, any entity that is required to submit a clean energy plan may inform the division in writing of any challenges that the entity is encountering in achieving the 2030 clean energy target (challenges). If an entity informs the division of any challenges, the division and the Colorado energy office must hold at least one stakeholder meeting in 2026 to discuss the challenges. If the entity informs the division that the entity is still encountering challenges after the stakeholder meeting, no later than December 31, 2026, the division shall report the challenges to the general assembly.

The act defines "cooperative retail electric utility" as a retail electric utility that has:

- Indicated an intent to submit or, on or after December 1, 2020, has submitted a clean energy plan; and
- Provided a non-conditional notice that it is withdrawing from a wholesale generation and transmission cooperative after January 1, 2021, or enters into a partial requirements contract with a wholesale generation and transmission cooperative to obtain more than 5% of its firm capacity supply from a greenhouse-gas-emitting generation source other than the cooperative retail electric utility's wholesale generation and transmission cooperative (cooperative retail electric utility) provider.

A cooperative retail electric utility must submit a clean energy plan to the division no later than 24 months after ceasing to be a member of a wholesale generation and transmission cooperative or after the date that a partial requirements contract begins. The division shall verify, in consultation with the PUC, that the cooperative retail electric utility meets the new clean energy plan requirements and the 2030 clean energy target. Upon the request of the cooperative retail electric utility, certain entities must provide any emissions data in their possession that is necessary for the cooperative retail electric utility to develop and submit a clean energy plan to the division.

The act also defines "wholesale power marketer" as an entity operating in the state that supplies wholesale capacity or energy to a retail electric utility located in the state and that supplies 300,000 megawatt-hours or more of electricity to entities in the state annually (wholesale power marketer).

A wholesale power marketer must submit a clean energy plan with the division if, on or after July 1, 2023:

- The wholesale power marketer sells, provides, arranges for, or contracts for the delivery of capacity or energy to a retail electric utility in the state; and
- The greenhouse gas emissions associated with the retail electric utility's operations are not otherwise required to be included in another entity's clean energy plan.

The division must verify, in consultation with the PUC, that any clean energy plan submitted by a wholesale power marketer meets the new clean energy plan requirements and the 2030 clean energy target.

A wholesale power marketer that supplies electricity to any entity must, upon request of the entity, provide any emissions data in its possession that is necessary for the entity to develop and submit a clean energy plan to the division.

The act also defines "new electric utility" as any new electric utility that is incorporated, created, or otherwise formed on or after July 1, 2023, that:

- Serves retail customers in the state; and
- Sells 300,000 megawatt-hours or more of electricity in its first year of operation (new electric utility).

A new electric utility must submit a clean energy plan to the division no later than 2 years after being incorporated, created, or otherwise formed. If a new electric utility does not submit a clean energy plan to the division within this time, the AQCC shall adopt rules to reduce the greenhouse gas emissions by the new electric utility to ensure that the new electric utility meets the new clean energy plan requirements and the 2030 clean energy target.

For the 2023-24 state fiscal year, the act appropriates \$276,384 from the general fund to the department for the following uses:

- \$189,420 for use by the air pollution control division for personal services related to stationary sources;
- \$23,520 for use by the air pollution control division for operating expenses related to stationary sources; and
- \$63,444 for legal services.

APPROVED by Governor June 5, 2023

EFFECTIVE June 5, 2023

S.B. 23-238 Small communities water and wastewater grant fund - authority to match federal funds.

The act allows money from the small communities water and wastewater grant fund to be used to match money provided by the federal government through the federal "Infrastructure Investment and Jobs Act" for certain clean water projects.

APPROVED by Governor April 25, 2023

EFFECTIVE April 25, 2023

S.B. 23-239 Hazardous substance site response fund - transfer to the hazardous substance response fund. The act requires the state treasurer to transfer \$1,800,000 from the hazardous substance site response fund to the hazardous substance response fund.

APPROVED by Governor April 17, 2023

EFFECTIVE April 17, 2023

S.B. 23-240 Dairy plant fees - eliminate testing fee - increase licensing fee - new production fee - fee caps. The act:

- Removes a \$50 fee for dairy plant employees who sample or test milk, cream, or any other dairy product;
- Increases the licensing fee a dairy plant is required to pay by 30%; and
- Creates a new fee of one cent for every 100 pounds of milk, to be paid by a dairy plant that receives 20,000 pounds or more of milk each day.

The department of public health and environment is required to cap the amount a dairy plant must pay in total for the licensing fee and volume of production fee at \$150,000 in a year.

APPROVED by Governor April 25, 2023

EFFECTIVE July 1, 2023

S.B. 23-253 Waste diversion - compostability standards - appropriation. The act creates standards (standards) for products that are represented, marketed, or advertised in the state as being capable of undergoing decomposition in a controlled composting system as demonstrated in accordance with applicable international standards for compostable products set by ASTM International (compostable).

Effective July 1, 2024:

- A producer is prohibited from representing a product as compostable unless the product has received certification by a recognized, independent, third-party verification body that the product is compostable (certified compostable); and
- The product must also comply with specific labeling standards that ensure that the product is easily and immediately distinguishable as certified compostable.

Effective January 1, 2024:

- A producer of a product that is not certified compostable is prohibited from using tinting, color schemes, labeling, or words that are required for products that are certified compostable, except for brand colors or colors used in a manner that is not clearly intended to indicate compostability;
- A producer of a product that is not certified compostable is prohibited from using labeling, images, or words that could reasonably be anticipated to mislead consumers into believing that the product is compostable; and
- A producer of a plastic product is prohibited from using any words, labeling, or

images that imply that the plastic product will eventually break down, fragment, biodegrade, or decompose in a landfill or other environment.

Upon the request of any person, a producer must provide information and documentation demonstrating the producer's compliance with any applicable standards.

The department of public health and environment (department), in collaboration with local governments, is required to conduct education and outreach activities to inform the public about the standards.

On or before January 1, 2024, the department is required to establish a forum that allows any person to file a complaint against a producer for violation of the standards.

For the 2023-24 state fiscal year, the act appropriates \$26,250 from the general fund to the department for use by the hazardous materials and waste management division for the solid waste control program.

APPROVED by Governor May 17, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-260 Publicly funded vaccines - access - proof of health insurance - identification - vaccine administration costs - exception for independent pharmacy. The act allows a physician, a physician assistant, an advanced practice registered nurse, or any other person who is authorized by law to administer a vaccine (practitioner) to ask an individual who seeks to receive a publicly funded vaccine to present proof of health insurance or other form of identification, but a practitioner is prohibited from conditioning the receipt of the vaccine on the individual's presentation of the documentation or ability to pay an administration fee. The act requires practitioners to post a notice and provide to individuals seeking a publicly funded vaccine a disclosure statement indicating that the publicly funded vaccine will be provided regardless of the individual's presentation of the requested documentation or ability to pay an administration fee.

The act allows an independent pharmacy to condition receipt of a publicly funded vaccine on an individual's ability to pay for the administration of the vaccine but limits the amount an independent pharmacy may charge.

The act prohibits a practitioner from charging an individual for the cost of a vaccine that is paid for by the federal, the state, or a local government but permits a practitioner to charge and seek payment from an insurer or the vaccine recipient or, if applicable, from a federal or state source, for the cost of administering the vaccine.

APPROVED by Governor May 10, 2023

EFFECTIVE May 10, 2023

S.B. 23-271 Pure food and drugs - hemp - marijuana - classification and regulation of potentially intoxicating and intoxicating products - appropriations. Colorado law requires the manufacturer of cosmetic products, dietary supplements, food products, and food additives, including hemp products, to be registered with the department of public health and environment (department).

The act creates a new framework for the department to regulate and register hemp products and certain intoxicating hemp products and for the marijuana enforcement division (division) in the department of revenue to regulate intoxicating products or potentially intoxicating compounds that are or may be cannabinoids. This regulation includes:

- The power to promulgate rules authorizing or prohibiting chemical modification, conversion, or synthetic derivation to create certain types of intoxicating cannabinoids;
- Classifying and reclassifying cannabinoids as intoxicating, potentially intoxicating, or nonintoxicating;
- Labeling and advertising requirements;
- Production and testing requirements;
- Inspection, record-keeping, surveillance, and inventory tracking requirements;
- Prohibiting the export of a safe harbor hemp product that is a synthetic cannabinoid or that is being exported to a state where it is illegal; and
- Issuing a cease-and-desist order or clean-up order.

Hemp- and marijuana-derived compounds and cannabinoids are classified into 3 classifications:

- Nonintoxicating cannabinoids;
- Potentially intoxicating cannabinoids; and
- Intoxicating cannabinoids.

Nonintoxicating cannabinoids that are derived from hemp may be produced, distributed, or sold as a hemp product. With the exception of products manufactured or produced for export, which are referred to as "safe harbor hemp products" and with some exceptions for small amounts of THC, products containing potentially intoxicating compounds and intoxicating cannabinoids must only be produced, distributed, or sold by a person licensed by the division to produce, distribute, or sell the compound or cannabinoid as a product.

The act clarifies that:

- Nonintoxicating cannabinoids, potentially intoxicating compounds, and intoxicating cannabinoids are marijuana or marijuana products for the purposes of the retail marijuana sales tax; and
- A person must be licensed by the division to manufacture potentially intoxicating compounds or intoxicating cannabinoids.

The act prohibits the following acts:

- Manufacturing, selling, or delivering products that contain intoxicating cannabinoids in excess of limits established by rule;
- Manufacturing a product containing hemp that is not a cosmetic, a dietary supplement, a food, a food additive, or an herb;
- Manufacturing, producing, selling, distributing, or holding for sale or distribution a safe harbor hemp product without registering with the department;
- Selling a hemp product to an individual who is under 21 years of age if the hemp product has a ratio of cannabidiol to tetrahydrocannabinol (THC) of less than 20:1 and the hemp product contains more than 1.25 milligrams of THC, but this prohibition does not apply to products with no THC, tinctures, cosmetics, or hemp products that the United States food and drug administration has determined are generally recognized as safe;
- Selling a hemp product in a container with more than 5 servings if the hemp product has more than 1.25 milligrams of THC and a ratio of cannabidiol to THC of less than 20:1, but this prohibition does not apply to products with no THC, tinctures, cosmetics, or hemp products that the United States food and drug administration has determined are generally recognized as safe; or
- Selling a hemp product in a container with more than 30 servings if the hemp product has more than 1.25 milligrams of THC and a ratio of cannabidiol to THC of 20:1 or more, but this prohibition does not apply to products with no THC, tinctures, cosmetics, or hemp products that the United States food and drug administration has determined are generally recognized as safe.

The penalty for a violation is up to \$10,000 per day per violation. The act specifies factors to consider in determining the amount of the penalty.

The act requires the executive director of the department of revenue to analyze the feasibility of establishing a standing committee to evaluate cannabinoids and cannabis-derived products for the purpose of determining and making recommendations regarding their safety profiles and potential for intoxication. The department of revenue may engage experts to inform its analysis.

The bill sets standards for marijuana cultivation facilities to buy seeds and clones.

To implement this act:

- \$1,574,061 is appropriated to the department. This appropriation consists of \$1,168,485 from the general fund and \$405,576 from the wholesale food manufacturing and storage protection cash fund;
- \$295,024 is appropriated from the general fund to the marijuana cash fund and reappropriated from the marijuana cash fund to the department of revenue; and
- Of the amounts appropriated to the departments of public health and environment and revenue, \$437,764 is reappropriated to the department of law for the provision of legal services to those departments.

The amounts are appropriated to the departments for the 2023-24 state fiscal year, and the departments are authorized to spend any amount not expended in the 2023-34 state fiscal year in the 2024-25 state fiscal year for the same purposes.

APPROVED by Governor June 7, 2023

EFFECTIVE June 7, 2023

S.B. 23-274 Water quality control commission - fee-setting rules - composition - clean water cash fund - repeal of statutory fees. Section 1 of the act increases the percent of appropriated funds that the department of public health and environment (department) may use for the administration and management of the public water systems and domestic wastewater treatment works grant program from 5% to 10%.

Section 3 modifies the composition of the water quality control commission (commission) by requiring that:

- No more than 5 members of the commission be affiliated with the same political party; and
- The commission include members with specific types of expertise, including expertise in areas of science, environmental law, environmental policy, municipal water treatment, municipal wastewater treatment, industry, or labor.

Section 4 requires the commission, on or before October 31, 2025, and after engaging in stakeholder outreach, to set the following fees by rule:

- Drinking water fees assessed on public water systems;
- Commerce and industry sector permitting fees;
- Construction sector permitting fees;
- Pesticide sector permitting fees;
- Public and private utilities sector permitting fees;
- Municipal separate storm sewer systems sector permit fees;
- Review fees for requests for certification under section 401 of the federal "Clean Water Act";
- Preliminary effluent limitation determination fees;
- Wastewater site application and design review fees;
- On-site wastewater treatment system fees; and
- Biosolids management program fees.

The commission's fee-setting rules must become effective on or before January 1, 2026, and the commission may by rule authorize the division to phase in the fee-setting rules before January 1, 2026.

Section 4 also creates the clean water cash fund into which the fees collected under the commission's fee-setting rules are credited, except that the fees assessed on public water systems under the drinking water fee-setting rules are credited to the drinking water cash fund.

The statutory fee provisions in sections 2, 5, 6, and 8 repeal on July 1, 2026. Before the repeal, the state treasurer is required to transfer any money remaining in the funds into which the statutory fees are credited to the clean water cash fund; except that section 2 specifies that drinking water fees will continue to be credited to the drinking water cash fund and that any money in the drinking water cash fund will remain in that cash fund.

Section 7 repeals the division of administration's (division's) regulatory authority concerning nuclear and radioactive wastes.

Section 9 requires the division to include, in its annual reporting to the commission and the general assembly, information on:

- The division's implementation and enforcement of the discharge permitting program (program);
- For reports submitted before October 1, 2025, the division's fee revenue and direct and indirect costs associated with the program; and
- For the report submitted in 2025, the fee structure set forth in the commission's proposed or adopted fee-setting rules.

APPROVED by Governor May 17, 2023

PORTIONS EFFECTIVE May 17, 2023
PORTIONS EFFECTIVE July 1, 2026

S.B. 23-298 County public hospitals - health services district - collaboration agreements - joint purchasing and joint services - antitrust law exemption - immunity - review and approval by state agencies and attorney general - appropriation. The act permits a hospital that has fewer than 50 beds and is a county public hospital, a hospital formed by a health service district, or a hospital affiliated with either such hospital (hospital) to enter into collaborative agreements with one or more hospitals. The act declares the general assembly's intent to exempt from state antitrust laws, and to provide state action immunity from federal antitrust laws for, certain activities that might be characterized as anticompetitive or that might result in displacement of competition in the provision of hospital, physician, or other health-care-related services or administrative or general business services. Further, the general assembly declares its intention to provide a system of review of collaborative agreements by the department of health care policy and financing (department), the division of insurance in the department of regulator agencies (division), if applicable, and the attorney general to ensure that any potential benefits of the collaborative agreements are not outweighed by the harm to competition in rural and frontier communities.

Collaborative agreements may include agreements to engage in the following activities:

- Ancillary clinical services, acquisition of equipment, clinic management, or health-care provider recruitment;
- Joint purchasing or leasing arrangements, including medical and general supplies, medical and general equipment, pharmaceuticals, or temporary staffing through staffing agencies;
- Consulting services with a focus on public health in rural and frontier communities

- and non-hospital-specific innovations in health-care delivery in those communities;
- Joint purchasing of insurance;
- Shared back-office services;
- Shared data services; and
- Negotiating with health insurance or government payers as described in the act.

The act does not grant immunity or other protections to hospitals entering into collaborative agreements that have the effect of setting reimbursement rates or other compensation from any commercial self-insured or commercial health insurance or government payer, dividing or allocating specific markets for the delivery of any general acute care or specialty lines of health-care services, or negotiating compensation for hospital employees that results in a reduction of wages for hospital staff.

Prior to engaging in a collaborative agreement, the hospitals shall jointly submit the proposed collaborative agreement for approval to the department and to the division, if applicable. If approved, the proposed agreement must be submitted to the attorney general's office to determine that the benefits of the collaborative activity are not outweighed by any anticompetitive harm that may arise from the collaborative activity. The act includes time frames for the review of collaborative agreements and allows for a request for reconsideration if the collaborative agreement is denied.

The department, the division, if applicable, or the attorney general may review a collaborative agreement annually to ensure the outcomes related to the collaborative agreement are consistent with the act.

For the 2023-24 state fiscal year, \$30,260 is appropriated to the department from the healthcare affordability and sustainability fee cash fund to implement the act. The department anticipates receiving \$30,259 in federal funds to implement the act.

APPROVED by Governor June 3, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1031 Reporting requirements - sexually transmitted infections - exemption - mental health professionals not engaged in testing, diagnosing, or treating. Under current law, every health-care provider is required to report specified information about an individual known to the provider to have a diagnosis of or a positive test for a sexually transmitted infection to the department of public health and environment or a local public health agency. The act exempts from this reporting requirement a mental health professional who is not engaged in testing a patient for, diagnosing a patient with, or treating a patient with a sexually transmitted infection.

APPROVED by Governor April 10, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1058 Lead-based paint abatement - child-occupied facilities. Current law defines "child-occupied facility" for the purposes of lead-based paint abatement as a building or portion of a building that is visited by a child on 2 or more days within any week, with each visit totaling 6 or more hours. The act reduces the total daily visit time to 3 or more hours.

APPROVED by Governor March 31, 2023

EFFECTIVE March 31, 2023

H.B. 23-1077 Intimate examinations - sedated or unconscious patients - informed consent required - exceptions - additional requirements for training examinations by students or trainees - providers and facilities subject to discipline or sanctions - private right of action - appropriation. The act prohibits a licensed physician or physician assistant; licensed medical resident, intern, or fellow; licensed professional nurse; advanced practice registered nurse; registered direct-entry midwife; or medical, nursing, or direct-entry midwife student or trainee (licensee, student, or trainee) from performing, and prohibits a licensed health-care facility from permitting a licensee, student, or trainee to perform, an intimate examination on a sedated or unconscious patient unless the patient has given specific informed consent to an intimate examination. Additionally, a student or trainee may perform an intimate examination on a sedated or unconscious patient for educational or training purposes only if:

- The examination is related to the planned procedure to be performed on the patient;
- The student or trainee has been introduced to the patient as part of the patient's care team, and the student's or trainee's role in performing an intimate examination for educational or training purposes has been shared with the patient; and
- The student or trainee is under the direct supervision of the supervising licensee.

The informed consent requirement does not apply in an emergency situation in which an intimate examination on a sedated or unconscious patient is medically necessary for the life or well-being of the patient or if the licensee has previously obtained the patient's consent to health care that includes an intimate examination about which the patient has been informed.

The act outlines the requirements for obtaining the patient's informed consent. Failure to comply with the requirements of the act, or retaliating against a person who complains about a violation of the act, constitutes unprofessional conduct, is grounds for discipline, and subjects the licensee, student, or trainee to discipline by the regulator that regulates the particular health-care profession. A licensed health-care facility that fails to comply with the requirements of the act is subject to sanctions imposed by the department of public health and environment.

Additionally, a patient who is subjected to an intimate examination in violation of the requirements of the act may file a civil action for damages, which action is not a medical malpractice action, and the statutory cap on noneconomic damages in civil actions applies to an award to a patient for noneconomic damages.

For the 2023-24 state fiscal year, the act appropriates \$32,915 from the general fund to the

department of public health and environment for use by the health facilities and emergency medical services division to implement the act.

APPROVED by Governor May 25, 2023

EFFECTIVE January 1, 2024

NOTE: This act was passed without a safety clause.

H.B. 23-1194 Solid waste disposal sites and facilities - local governments - closed landfill remediation grant program - advisory committee - rules - report - appropriation. The act creates the closed landfill remediation grant program (grant program) to help eligible local governments pay the costs of environmental remediation efforts and landfill management. On and after July 1, 2024, the department of public health and environment (department) is required to administer the grant program in accordance with rules promulgated by the solid and hazardous waste commission (commission) in the department. The department, in consultation with a 5-person advisory committee created in the act, may award grants from money in the closed landfill remediation grant program fund (fund), which fund is also created in the act.

On or before February 1, 2026, and on or before each February 1 every 3 years thereafter, the commission must evaluate the current and future financial needs of the grant program and make written recommendations to the general assembly regarding funding. Additionally, the department must prepare and post on its public website an annual report that summarizes the use of all grant money awarded under the grant program in the preceding fiscal year.

The grant program is repealed, effective September 1, 2033, subject to a sunset review by the department of regulatory agencies.

For the 2023-24 state fiscal year, the act appropriates \$15,000,000 from the general fund to the fund for use by the department. Of this amount, \$170,702 is reappropriated to the department for the solid waste control program. Of this reappropriated amount, \$87,976 is appropriated to the department of law to pay for legal services provided to the department.

APPROVED by Governor May 19, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1210 Carbon management - projects to qualify for industrial and manufacturing operations clean air grants - creation of roadmap - appropriation. "Carbon management" is defined by the act as any combination of carbon dioxide removal, carbon storage, carbon capture, and carbon utilization. The act ensures that carbon management projects, except for agricultural, forestry, and enhanced oil recovery projects, are eligible for money under the industrial and manufacturing operations clean air grant program.

The act also requires the Colorado energy office (office), in collaboration with the office of economic development and the department of public health and environment, to contract with an

organization for the development of a carbon management roadmap for the state. The office is required to ensure that the roadmap functions in concert with other state targets, teams, and documents related to greenhouse gas and carbon. The roadmap must include: Specified economic sectors; necessary infrastructure to support carbon management; specified types of policies and incentives; identification of the state agency best positioned to carry out a potential policy regime of carbon management; public interest, legislative, and administrative policy recommendations; and criteria for carbon management project selection.

After receiving a draft of the roadmap, the office is required to hold at least one public hearing to solicit feedback on the roadmap, including comment on the roadmap's environmental health impacts. The contracted organization is required to use that feedback to update the roadmap. The office is required to present the updated roadmap to specified committees in the general assembly and then later update the general assembly on the implementation of the roadmap.

APPROVED by Governor May 22, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1213 K-12 schools - stop the bleed kits - report - appropriation. The act requires the Colorado department of public health and environment (department) to distribute stop the bleed training materials and bleed control kits to K-12 schools that opt into receiving them. The act also requires the department, in collaboration with the American college of surgeons' committee on trauma, to report the number of schools that opt in, the number of people who have been trained in stop the bleed procedures in schools, the total number of stop the bleed control kits sent to schools, and the total cost of distributing stop the bleed control kits, for each school year from 2024 through 2026.

The act appropriates \$155,541 for the 2023-24 state fiscal year from the general fund to the department for use by the health facilities and emergency medical services division. Any money not used for the 2023-24 school year is further appropriated to the department for the 2024-25 and 2025-26 fiscal years for the same purpose.

APPROVED by Governor May 15, 2023

EFFECTIVE May 15, 2023

H.B. 23-1215 Health facilities and providers - prohibition on facility fees - preventive care services - notice to patients - deceptive trade practice - hospital facility fee report - appropriations. On and after July 1, 2024, the act prohibits a health-care provider (provider), which is an individual provider or a health facility, or a health system, which is a corporation or organization that owns, contains, or operates 3 or more hospitals, from charging, billing, or collecting a facility fee directly from a patient that is not covered by the patient's insurance for mandatory coverage for preventive health-care services that are provided in an outpatient setting. The act defines "facility fee" as any fee that a hospital or health system charges or bills for outpatient services that is intended to compensate the hospital or health system for its operational expenses and that is separate and distinct from a professional fee charged or billed by a provider for professional medical services. The

limitation on charging, billing, or collecting a facility fee does not apply to a critical access hospital, a sole community hospital in a rural or frontier area, a community clinic affiliated with a sole community hospital in a rural or frontier area, or a hospital established by the Denver health and hospital authority.

The act:

- Requires a provider that charges a facility fee to provide notice to a patient that the provider charges the fee and to use a standardized bill that includes itemized charges identifying the facility fee, as well as other information;
- Requires a health facility that is newly affiliated with or owned by a hospital or health system on or after July 1, 2024, to provide written notice to patients of the health facility during the previous 12 months concerning the change in ownership and that the health facility may now charge a facility fee, and prohibits the collection of a facility fee until at least 30 days after the notice is sent; and
- Makes it a deceptive trade practice to charge, bill, or collect a facility fee when doing so is prohibited.

The act creates a steering committee (steering committee) in the department of health care policy and financing (department) to facilitate the development of a preliminary report by August 1, 2024, and a final report by October 1, 2024, detailing the impact of outpatient facility fees on the Colorado health-care system, including the impact on consumers, employers, and providers.

The steering committee consists of 7 members appointed by the governor with relevant expertise in health-care billing and payment policy, including, among others, members representing consumers, payers, and providers. The act lists specific data and information to be collected, identified, evaluated, and analyzed, including:

- Data from:
 - The all-payer health-claims database;
 - Hospital and health systems;
 - The department, the division of insurance, and commercial payers; and
 - Independent health-care providers that are not affiliated with or owned by a hospital or health system evaluated in the report;
- The impact of facility fees and payer coverage policies on the Colorado healthcare affordability and sustainability enterprise, the medicaid expansion, uncompensated care, and undercompensated care;
- The impact of facility fees on access to care, integrated care systems, health equity, and the health-care workforce; and
- A description of the way in which providers may be paid or reimbursed by payers for outpatient health-care services.

To the extent feasible, data must be sourced from 2014 through 2022, as determined by the steering committee and any third-party contractors, and disaggregated, as described in the act. The steering committee shall seek to exhaust existing data sources before making additional requests and shall minimize the number of data requests.

To implement the act, for the 2023-24 state fiscal year, the act:

- Increases general fund appropriations to the department in the 2023 long bill by \$18,326 for personal services and \$337 for operating expenses;
- Decreases anticipated federal funds received by the department by \$18,663; and
- Appropriates \$516,950 from the general fund to the department for general professional services and special projects.

APPROVED by Governor May 30, 2023

EFFECTIVE May 30, 2023

H.B. 23-1218 Health-care facilities - disclosure - denial of care for nonmedical reasons - identified health-care services - required completion of service availability form - penalty - appropriation. The act requires the department of public health and environment (department), by August 1, 2024, and in consultation with stakeholders, to identify reproductive health-care services, LGBTQ health-care services, and end-of-life health-care services (identified health-care services) that, for nonmedical reasons, are not generally available at a specified health-care facility (covered entity) or that are subject to significant restriction at a covered entity. The department shall develop a simple service availability form (form) to be filled out by each covered entity for the purpose of conveying to patients and to the public information about identified health-care services that are subject to denial of care at the covered entity.

The act defines:

- "Covered entity" as a hospital, community clinic, maternity hospital, freestanding emergency department, or rehabilitation hospital, but "covered entity" does not include a health-care professional or a hospital, community clinic, or other facility owned or operated by the state;
- "Denial of care", in part, as refusal to provide health-care services for nonmedical reasons;
- "Nonmedical reasons", in part, as nonclinical criteria, rules, or policies that restrict health-care professionals at a covered entity from providing health-care services that the health-care professional is authorized to provide and that the covered is licensed to provide; and
- Reproductive health-care services, LGBTQ health-care services, and end-of-life health-care services.

The act includes requirements for the content and format of the form and requires each covered entity to submit a completed form to the department and to update the form within 30-days after a change in the availability of the identified health-care services. Beginning on or before October 1, 2024, the department shall maintain on its public-facing website a list of covered entities and the form for the covered entity. The department shall review and update the service availability form at least biennially in consultation with stakeholders.

A covered entity shall provide patients with the current service availability form during scheduling for identified health-care services and at the time federal privacy laws are provided to

patients before health-care services are initiated, and shall maintain a record of the patient's receipt of the form. A covered entity that fails to comply with the act is subject to a fine not exceeding \$1,000 for each day the covered entity is in violation of the act.

The state board of health shall adopt rules to implement the act.

For the 2023-24 state fiscal year, the act appropriates \$64,627 from the general fund to the department for use by the health facilities and emergency medical services division to implement the act.

APPROVED by Governor May 10, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1244 Regional health connector program - transfer to department of public health and environment - appropriation. The act moves the regional health connector program (program) from the university of Colorado school of medicine to the prevention services division (division) in the department of public health and environment (department). The act requires the division to administer the program and requires the department to contract with a third-party entity to coordinate and oversee the program. The contracted entity is required to distribute money to each locally based host organization, which hires and supports a regional health connector to engage in program activities.

For the 2023-24 state fiscal year, the act appropriates \$1.5 million to the department of higher education for use by the regents of the university of Colorado for allocation to the school of medicine and \$71,903 to the department for use by the division for the program.

For the 2024-25 state fiscal year, the act annually appropriates \$1.5 million to the division for the program.

APPROVED by Governor June 7, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1257 Water quality - mobile home parks - water testing and remediation - enforcement - penalties for violations - grant program - cash fund - appropriations. The act creates a water testing program for mobile home parks (parks). The testing program is developed and administered by the water quality control division (division) in the department of public health and environment (department). The act also sets testing prioritization criteria and testing standards. Within 10 days after receiving test results, the division will notify the following of the test results and, if the testing reveals a water quality issue, include information about the availability of the complete test results, any violation of water quality standards, recommended actions, remediation, and the grant program established in the act:

- The park owner;
- The county department of health where the park is located;
- The municipality where the park is located, if any;
- The division of housing in the department of local affairs;
- The water supplier; and
- The environmental justice ombudsperson (ombudsperson).

Upon receiving the notice, the park owner must:

- Notify the park residents within 5 days in the language chosen by the residents;
- Comply with orders of the division; and
- Not impose the cost of compliance on park residents.

Within 120 days after receiving the notice, the park owner must prepare and submit to the division a remediation plan. The park owner must complete the remediation plan based on a schedule approved by the division, consult with the division, and provide a reasonable and sufficient amount of accessible drinking water or department-approved filters to park residents if necessary to address acute health risks.

The division will coordinate with the division of housing in the department of local affairs to identify potential money, including grant money from the grant program created in the act, to support park water quality remediation.

The division will develop an action plan to address and improve water quality in parks. Standards are established for the action plan and the development of the action plan.

The act creates a grant program to help park owners, nonprofit entities, and local governments address water quality issues in parks. Standards are set for obtaining and spending grants. The division will implement and administer the grant program. The general assembly will annually appropriate money to the department to fund the grant program.

The act is enforced by the attorney general and the division, which may issue cease-and-desist orders. The attorney general may request a temporary restraining order, preliminary injunction, permanent injunction, or any other relief necessary to protect the public health, water quality, or environment. The act establishes that:

- The division may impose a civil penalty of up to \$10,000 plus an additional \$5,000 per full calendar month the violation continues;
- A park owner that fails to register under the "Mobile Home Park Act Dispute Resolution and Enforcement Program" violates the "Colorado Consumer Protection Act";
- Retaliation against a tenant for making a complaint is prohibited; and
- A person may bring a civil action under the "Mobile Home Park Act".

Civil penalties are deposited in the mobile home park water quality fund to be used to provide grants through the grant program and for the division to administer and enforce the act.

The ombudsperson is given the duty to represent park residents in matters of water quality.

The act adds water quality issues to the database created by the "Mobile Home Park Act Dispute Resolution and Enforcement Program", which tracks complaints filed against parks.

To implement the act, \$3,611,859 is appropriated from the general fund to the mobile home park water quality fund, of which \$3,407,448 is reappropriated to the department for administration, personal services, and the purchase of legal services, and \$136,885 is appropriated from the general fund to the mobile home park act dispute resolution and enforcement program fund for use by the department of local affairs.

APPROVED by Governor June 5, 2023

EFFECTIVE June 5, 2023

H.B. 23-1258 Drug crimes - task force to evaluate the costs associated with drug crimes - actuarial study - appropriations. The act creates the evaluating the costs associated with enforcement of and incarceration for drug crimes task force (task force). The act requires the university of Colorado school of public health to conduct a actuarial study (study) to evaluate the costs associated with the enforcement of drug laws and incarceration in the state.

The study must:

- Consider and determine state and local government costs associated with the investigation of drug crimes and the enforcement of drug laws;
- Consider and determine the costs incurred by the judicial department in adjudicating drug crimes and supervising defendants convicted of drug crimes;
- Consider and determine state and local government costs associated with confining and incarcerating individuals accused of and convicted of drug crimes and the state costs associated with parole supervision for those convicted of drug crimes; and
- Determine the total state and local government costs associated with enforcing drug laws, investigating and punishing drug crimes, and rehabilitating those convicted of drug crimes.

The university of Colorado school of public health shall provide the study to the task force.

The task force shall consider the study and make recommendations to the general assembly regarding how money saved by reducing drug crimes or sentencing for drug crimes could be spent to reduce substance use and dependence in Colorado.

The task force shall create a report of its findings by June 1, 2024, and shall present the report to the judiciary committees of the house of representatives and senate.

The act appropriates:

- \$79,914 from the general fund to the department of higher education for use by the university of Colorado to complete the study;

- \$16,138 from the general fund to the department of public health and environment for administrative expenses; and
- \$1,324 from the general fund to legislative department for per diem and expense reimbursement.

VETOED by Governor June 6, 2023

H.B. 23-1285 Retail stores - carryout bag fees - permissible uses. Currently, a grocery store, supermarket, convenience store, liquor store, dry cleaner, pharmacy, drug store, clothing store, or other type of retail establishment at which carryout bags are traditionally provided to customers (store) is required to collect a fee for each carryout bag the store provides to a customer. The store must remit a portion of that fee to the municipality or county (local government) in which the store is located. When the local government has not established a process to accept the remitted fees, the act requires the store to retain and use the portion of the fee that would otherwise be remitted to a local government:

- For any recycling, composting, or other waste diversion programs and related outreach and education activities; and
- To purchase reusable bags.

APPROVED by Governor June 1, 2023

EFFECTIVE June 1, 2023

H.B. 23-1294 Measures for protection against pollution - legislative interim committee on ozone air quality - procedures for investigations, hearings, and civil penalty assessments related to air quality violations - assessment of cumulative impacts of oil and gas operations - procedures for investigations related to oil and gas violations - rules - appropriation. Section 2 of the act creates the legislative interim committee on ozone air quality (committee) to study ozone air quality in the state. The committee consists of 6 members of the senate and 6 members of the house of representatives. The committee may meet up to 6 times during the 2023 interim.

With respect to an allegation in a complaint or the belief of the division of administration in the department of public health and environment (division) regarding a violation or noncompliance related to air quality laws (violation), section 3 requires the division to:

- Cause a prompt and diligent investigation into the violation to be made unless the complaint clearly appears to be frivolous, falsified, or trivial or the complainant withdraws the complaint within the investigation time period;
- Within 30 days after receipt of the complaint, respond to a complainant to outline the steps of the complaint investigation;
- If the division is acting in response to a complaint, notify the complainant that an investigation has commenced at the time that the division provides notice to the owner or operator of the air pollution source; and
- Accept and consider all relevant evidence that it receives or acquires when investigating the alleged violation, unless the evidence is, on its face, falsified.

If the division determines that a violation has occurred, current law requires the division to issue a compliance order unless the responsible party gives timely notice that the violation occurred during a period of start-up, shutdown, or malfunction. Section 3 removes the exception for periods of start-up, shutdown, or malfunction.

Section 3 also prohibits the division from assessing a penalty for a violation that is less than the economic benefit that the owner or operator derived from the violation.

Section 3 also requires, if a hearing is requested, the air quality control commission to provide at least 45 days' notice to any complainant that submitted a complaint alleging the applicable violation and allows the complainant to participate as a party to the hearing.

Current law provides that any noncompliance that occurs during a period of start-up, shutdown, or malfunction exempts the owner or operator of a source of pollution from the duty to pay penalties related to that noncompliance. Section 3 removes this provision.

Current law requires the division to consider certain factors in determining the amount of a civil penalty to assess for a violation. Section 4 requires the division to also consider the severity of the violation.

Current law provides that any action related to an alleged violation of air quality laws that is not commenced within 5 years after the occurrence of the alleged violation is time barred. Section 5 excludes actions commenced to address a failure to obtain a permit from this statute of limitation.

Section 6 requires the oil and gas conservation commission (COGCC), by April 28, 2024, to promulgate rules that evaluate and address the cumulative impacts of oil and gas operations. The rules must include a definition of cumulative impacts.

Section 7 allows any person to submit a complaint to the COGCC. The COGCC or the director of the COGCC is required to promptly commence and complete an investigation into the violation alleged in the complaint, unless the complaint clearly appears on its face to be frivolous, falsified, or trivial or the complainant withdraws the complaint. The COGCC must also accept and consider all relevant evidence it receives or acquires when investigating the violation, unless the evidence is, on its face, falsified.

For the 2023-24 state fiscal year, section 8 appropriates \$79,493 from the general fund to the department of public health and environment for use by the air pollution control division in the following amounts:

- \$71,473 for personal services related to stationary sources; and
- \$8,020 for operating expenses related to stationary sources.

For the 2023-24 state fiscal year, section 8 also appropriates \$820,697 from the oil and gas conservation and environmental response fund to the department of natural resources in the following amounts:

- \$725,531 for use by the COGCC for program costs; and
- \$95,166 for use by the office of the executive director of the department of natural resources, which is reappropriated to the department of law to provide legal services for the department of natural resources.

For the 2023-24 state fiscal year, section 8 also appropriates \$61,616 from the general fund to the legislative department in the following amounts:

- \$26,180 for use by the legislative council;
- \$18,452 for use by the committee on legal services; and
- \$16,984 for use by the general assembly.

APPROVED by Governor June 6, 2023

EFFECTIVE June 6, 2023

H.B. 23-1298 Testing drinking water - reimbursements from department of public health and environment to eligible schools - date change. The act changes the date upon which the department of public health and environment must begin providing reimbursements to eligible schools that serve students in sixth, seventh, or eighth grade for costs associated with the testing of drinking water from March 15, 2024, to June 1, 2023.

APPROVED by Governor June 1, 2023

EFFECTIVE June 1, 2023

HEALTH CARE POLICY AND FINANCING

S.B. 23-2 Community health worker - medicaid reimbursement - appropriation. The act authorizes the department of health care policy and financing (state department) to seek federal authorization from the centers for medicare and medicaid services to provide medicaid reimbursement for community health worker services.

The act requires the state department to hold at least 4 public stakeholder meetings to solicit input on considerations to include in the state department's request for federal authorization.

The act grants the state department the authority to promulgate rules regarding the voluntary competency-based community health worker registry.

The act requires that on or before January 31, 2026, the state department include a report on how community health workers are being utilized through medicaid in its presentation to the joint budget committee of the general assembly and in its presentation at the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing.

For the 2023-24 state fiscal year, the act appropriates \$40,717 from the general fund to the state department to be used by the executive director's office as follows:

- \$36,842 for personal services; and
- \$3,875 for operating expenses.

For the 2023-24 state fiscal year, the act anticipates the state department will receive \$40,717 in federal funds to be used as follows:

- \$36,842 for personal services; and
- \$3,875 for operating expenses.

For the 2023-24 state fiscal year, the act appropriates \$169,973 to the department of public health and environment to be used by chronic disease prevention programs in the prevention services division for the community health workers initiative.

APPROVED by Governor May 10, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-138 Appropriation - Denver health and hospital authority. For the 2022-23 state fiscal year, the act appropriates \$5 million from the general fund to the department of health care policy and financing to distribute to the Denver health and hospital authority.

APPROVED by Governor March 3, 2023

EFFECTIVE March 3, 2023

S.B. 23-174 Medical assistance - coverage - behavioral health services - reporting requirements. The act requires the department of health care policy and financing (state department) to provide certain behavioral health services for medicaid recipients who are under 21 years of age.

The act requires the state department to begin providing the services no later than July 1, 2024.

On or before November 1, 2025, and each November 1 thereafter, the act requires the state department to report to the house of representatives public and behavioral health and human services committee and the senate health and human services committee, or their successor committees, on the utilization of the services provided for in the act and any feedback received from stakeholders in implementing coverage for those services.

APPROVED by Governor May 20, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-182 Suspension of statutory enrollment and cost-sharing requirements. As a condition of receiving federal money under the federal "Families First Coronavirus Response Act", the state was required to maintain the enrollment of nearly all individuals receiving medicaid until April 1, 2023, at which point the state was given 14 months to return to normal eligibility and enrollment operations. Additionally, due to the declared public health emergency in Colorado in response to the COVID-19 outbreak and to effectuate the federal continuous enrollment requirement, the governor suspended certain statutory requirements related to enrollment and cost sharing in medical assistance programs. The act suspends these requirements statutorily for the 14 months after April 1, 2023.

The act suspends certain other statutory enrollment and cost-sharing requirements until May 31, 2023, or June 1, 2024, and other statutory enrollment requirements until 12 months past the declaration of the end of the federal public health emergency.

APPROVED by Governor April 27, 2023

EFFECTIVE April 27, 2023

S.B. 23-222 Medicaid - copayment - pharmacy and outpatient services - appropriation. The act removes the requirement that medicaid recipients pay a copayment for pharmacy and outpatient services.

\$1,886,150 is appropriated to the department of health care policy and financing (department), consisting of \$1,439,499 from the general fund and \$446,651 from the healthcare affordability and sustainability fee cash fund, for medical and long-term care services for medicaid-eligible individuals. It is anticipated that the department will receive \$5,459,357 in federal funds to implement this act.

APPROVED by Governor April 20, 2023

EFFECTIVE April 20, 2023

S.B. 23-223 Review process for medicaid provider rates report - submission deadline. Current law requires the department of health care policy and financing to submit a written report to the joint budget committee concerning the review process for medicaid provider rates on or before November 1, 2025, and each November thereafter. The act changes the date of the first written report to November 1, 2023.

APPROVED by Governor April 17, 2023

EFFECTIVE April 17, 2023

S.B. 23-252 Hospitals - medicare reimbursement rate transparency requirements - performance assessment of hospitals - violation a deceptive trade practice. The act requires hospitals to make public and post each hospital's medicare reimbursement rates.

The act:

- Requires the department of health care policy and financing (state department) to conduct a performance assessment for each hospital to determine the hospital's adherence to federal transparency rules and publish the results on its website;
- Repeals sections of statute regarding hospital price transparency and debt collection that are currently under the administration and authority of the department of public health and environment and relocates these sections so that hospital price transparency and debt collection provisions are under the administration and authority of the state department; and
- Makes a violation of the hospital transparency requirements outlined in the act a deceptive trade practice under the "Colorado Consumer Protection Act".

APPROVED by Governor June 2, 2023

EFFECTIVE June 2, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-288 Coverage for doula services - stakeholder process - federal authorization - reporting requirements - appropriation. Not later than September 1, 2023, the act requires the department of health care policy and financing (state department) to initiate a stakeholder process to promote the expansion and utilization of doula services for pregnant and postpartum medicaid recipients (recipients).

The act requires the state department to work with a maternity advisory committee to create a report detailing the findings and recommendations from the stakeholder process and submit the report to the general assembly during the state department's "SMART Act" hearing.

Not later than July 1, 2024, the act requires the state department to seek federal authorization for medicaid providers to provide doula services for pregnant and postpartum people.

The act creates a doula scholarship program to provide financial support to eligible individuals to pursue doula training and certification. To be eligible for a scholarship, individuals must agree to enroll as a doula provider and provide doula services to recipients.

The act requires the division of insurance (division) to contract with an independent entity to study the potential health-care costs and benefits of providing coverage for doula services in health benefit plans.

The act requires the division to submit a report to the general assembly during the state department's "SMART Act" hearing detailing the results and recommendations from the study during state fiscal year 2024-25.

The act appropriates \$100,000 from the general fund to the state department for use by the other medical services division for the doula scholarship program.

The act appropriates \$100,000 from the division of insurance cash fund to the department of regulatory agencies for use by the division of insurance to use for personal services.

APPROVED by Governor May 30, 2023

EFFECTIVE May 30, 2023

S.B. 23-289 Community first choice option - state plan amendment to state medical assistance plan - home- and community-based attendant services. The act requires the department of health care policy and financing (department) to seek federal authorization through an amendment to the state medical assistance plan to implement the community first choice option.

The act requires the state plan amendment to include personal care services, homemaker services, health maintenance activities, personal emergency response systems and other emergency back-up services, and voluntary training on how to select, manage, and dismiss an attendant.

The act authorizes the department to provide permissible services and supports that are linked to an assessed need or goal in an individual's person-centered service plan, including transition costs and expenditures relating to increasing an individual's independence or reducing reliance on human assistance.

To be eligible for the community first choice option, an individual must:

- Be eligible for the state medical assistance program;
- Be in an eligibility group under the state medical assistance program that includes nursing facility services, or if in an eligibility group that does not include nursing facility services, have an income that is at or below 150% of the federal poverty level; or
- Receive an annual determination that in the absence of home- and community-based attendant services and supports, the individual would require the level of care furnished in certain care settings.

The act makes conforming amendments to remove the services provided through the community first choice option from other long-term care waiver programs.

APPROVED by Governor May 25, 2023

PORTIONS EFFECTIVE May 25, 2023
PORTIONS EFFECTIVE July 1, 2025

H.B. 23-1040 Prader-Willi syndrome - updates to conform to current law. The act updates information associated with Prader-Willi syndrome to conform to current laws and regulations.

APPROVED by Governor March 31, 2023

EFFECTIVE March 31, 2023

H.B. 23-1117 Public services or medical assistance - affidavits of support. The act eliminates the requirement for a person who is lawfully residing in the state, a legal immigrant who is a resident of the state, or a documented individual to refrain from executing an affidavit of support for the purpose of sponsoring a documented individual while the person is receiving public services or medical assistance.

County departments responsible for administering benefits programs under the department of health care policy and financing and the department of human services shall identify and review all current county guidance materials that reference a prohibition on sponsorship as a condition of eligibility for benefits and shall remove all such references from verbal and digital communications and from all physical materials currently provided to applicants or beneficiaries.

APPROVED by Governor April 11, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1130 Health insurance - serious mental illness - prescription drugs - prohibition on step-therapy protocols - medical assistance program - medical services board review of new drugs for serious mental illness - appropriation. Effective January 1, 2025, with respect to step-therapy protocols (protocols) for health insurance, section 1 of the act defines "serious mental illness" and prohibits the protocols from requiring a person to try more than one prescription drug prior to receiving coverage for the drug prescribed by the person's health-care provider. If certain conditions are met and attested to by the person's health-care provider, the carrier, private utilization review organization, or pharmacy benefit manager must cover the drug prescribed by the person's health-care provider without requiring compliance with protocols.

Section 2 of the act defines "serious mental illness" for purposes of the "Colorado Medical Assistance Act" in the same manner as the term is defined for commercial health insurance. The act requires the medical services board to require a review for coverage of a new drug approved by the federal food and drug administration for a serious mental illness within 90 days after the drug is approved.

The act appropriates \$53,117 to the department of health care policy and financing (department) from the general fund for use by the executive director's office to implement the act, with the assumption that the department will receive an equal amount of federal funds to implement the act.

APPROVED by Governor June 6, 2023

PORTIONS EFFECTIVE August 7, 2023

PORTIONS EFFECTIVE January 1, 2025

NOTE: This act was passed without a safety clause.

H.B. 23-1183 Prior authorization request for exception to step therapy - appropriation. The act requires the department of health care policy and financing (state department) review and determine if an exception to step therapy is granted if the prescribing provider submits a prior authorization request with justification and supporting clinical documentation for treatment of a serious or complex medical condition. The act requires the state department to provide a response to a prior authorization request for a step-therapy exception within 24 hours after receipt of the request.

If a prior authorization request for a step-therapy exception is incomplete or if additional clinically relevant information is required, the act requires the state department to notify the prescribing provider within 24 hours after the submission of the request. If the state department does not receive a response within 72 hours after the state department's request for additional information, the prior authorization is denied. If the prior authorization request is denied, the act requires the state department to inform the recipient in writing that the recipient has a right to appeal the determination.

The act requires the state department to authorize coverage for the prescription drug prescribed by the recipient's prescribing provider if the prior authorization request for a step-therapy exception request is granted.

The act requires the state department to make the prior authorization requirements for coverage of prescription drugs and a description of the step-therapy exemption process available on the state department's website.

The act appropriates \$56,250 to the state department from the general fund.

APPROVED by Governor May 1, 2023

EFFECTIVE May 1, 2023

H.B. 23-1197 Stakeholder process for long-term services and supports - report - appropriation. No later than September 1, 2023, the act requires the department of health care policy and financing (state department) to engage in a stakeholder process to address concerns and identify viable solutions related to individuals who receive long-term services and supports.

No later than January 2025, the act requires the state department to report on the stakeholder process, including identifying any administrative resources needed to address any concerns identified

during the stakeholder process.

The act appropriates \$75,000 from the general fund to the state department for use by the office of community living. It is anticipated that the state department will receive \$75,000 in federal funds to implement the act.

APPROVED by Governor May 30, 2023

EFFECTIVE May 30, 2023

H.B. 23-1201 Contracts between pharmacy benefit managers and health insurance carriers - group health benefit plans - transparency requirements - violation - deceptive trade practice - rules. For a contract between a pharmacy benefit manager (PBM) or a health insurance carrier (carrier) and a certificate holder or policyholder, the act requires that the amount charged by the PBM or carrier to the certificate holder or policyholder for a prescription drug be equal to or less than the amount paid by the PBM or carrier to the contracted pharmacy for the drug.

For group health benefit plans in effect during the 2025 calendar year and each calendar year thereafter, the act creates transparency requirements for PBMs and carriers regarding prescription drug benefits and grants audit authority to the commissioner of insurance (commissioner) for fully insured plans to ensure compliance with the requirements.

The commissioner is authorized to promulgate rules to implement the act.

A violation of the requirements of the act is a deceptive trade practice in the business of insurance, with regard to fully insured plans.

For contracts between a PBM and the department of health care policy and financing (state department) or one of its affiliated managed care organizations offering a prescription benefit plan that is issued on or after January 1, 2025, the act requires the amount charged by the PBM to the state department or managed care organization for a prescription drug dispensed to an enrollee in the Colorado medical assistance program to be equal to or less than the amount paid by the PBM to a pharmacy for the prescription drug dispensed to the enrollee. The act directs the medical services board to adopt rules to implement and ensure compliance with this requirement.

APPROVED by Governor May 10, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1226 Hospital transparency report requirements - enforcement mechanisms - SMART Act hearing - appropriation. Current law requires the department of health care policy and financing (state department) to annually prepare a written hospital expenditure report. The act changes the name of the report to the hospital transparency report (transparency report).

The act adds specified information that each hospital shall report to the state department for the transparency report.

No later than July 1, 2024, the act requires each hospital to provide specified information to the state department for previous fiscal years.

The act authorizes the state department to impose certain enforcement mechanisms against a hospital that does not provide all of the information required to be reported to the state department.

Current law requires the state department to submit the transparency report to the house of representatives public and behavioral health and human services committee. The act requires the transparency report to also be submitted to the house of representatives health and insurance committee.

The act requires the state department to report on the transparency report during the state department's "SMART Act" hearing.

Beginning July 1, 2024, the act requires any patient bill to follow industry standard billing practices, including, at a minimum, the date of service, the patient's name, the provider's name, a description of the services provided, and the charges for each service.

The act appropriates \$75,167 to the state department from the healthcare affordability and sustainability cash fund to implement the act. It is anticipated that the state department will receive an additional \$75,165 in federal funds for the implementation of the act.

APPROVED by Governor June 2, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1228 Supplemental medicaid payment rates for qualifying nursing facility - appropriation. The act adjusts the supplemental medicaid payment rates a qualifying nursing facility receives from the department of health care policy and financing (state department). Beginning July 1, 2024, the payment must not be less than 12% of total provider fee payments and must be adjusted for fiscal years 2024-25 and 2025-26. No later than July 1, 2026, the payment must not be less than 15% of total provider fee payments and must be annually adjusted thereafter.

Current law limits the annual increase of the general fund share of the aggregate statewide average of the per diem rate to not more than 3%. The act removes this limitation and requires that the general fund share be calculated based on specific percentage increases.

The act requires the state department to initiate a process no later than July 1, 2023, to remove the medicare costs from the provider rate setting by July 1, 2026.

The act repeals the requirement that only such costs as are reasonable, necessary, and patient-related be reported for reimbursement purposes.

The act authorizes the state department to require a nursing facility, as a condition of receiving medicaid funds, to submit any documentation necessary to ensure the state's interest in

transparency, stability, and sound fiscal stewardship.

As part of developing and implementing a transition plan to regulate nursing facility reimbursement, the act requires the state department to:

- No later than July 1, 2026, define "nursing home reimbursement" and provide payments to nursing facilities;
- Engage with stakeholders regularly to seek input on any proposed methodology changes; and
- From November 1, 2023, to November 1, 2026, submit an annual report to the joint budget committee of the general assembly regarding the implementation process.

Each nursing facility that receives medicaid funds is required to submit a plan to the state department that demonstrates how the nursing facility will:

- Improve the health and safety of the nursing facility's residents, including infection control and staffing;
- Increase access to care;
- Improve financial sustainability, including opportunities for diversification of business lines and stabilization of revenue streams; and
- Promote innovation to meet the emerging needs of individuals with disabilities and aging and older adults.

The act requires the state department to issue additional supplemental payments to nursing facility providers with disproportionately high medicaid utilization, to facilities that are geographically critical to ensuring access to care, and to facilities that admit compassionate release individuals from the department of corrections.

The act requires each nursing facility that receives medicaid funds to develop and submit a plan to the state department that meets the state department's standards and demonstrates how the nursing facility will improve the health and safety of the nursing facility's residents, increase access to care, improve financial sustainability, and promote innovation to meet the emerging needs of individuals with disabilities and aging and older adults.

Effective July 1, 2028, the act repeals the requirement that the state department exempt certain nursing facility providers from the provider fee.

Effective July 1, 2026, the act repeals:

- The process for providing a wage enhancement supplemental payment to eligible nursing home providers that pay their employees a wage of at least \$15 per hour; and
- Requirements for issuing additional supplemental payments to nursing facility providers that meet certain requirements.

For the 2023-24 state fiscal year, the act appropriates \$30,509,457 from the general fund to the state department for medical and long-term care services for medicaid eligible individuals. For

the 2023-24 state fiscal year, the general assembly anticipates that the state department will receive \$31,754,740 in federal funds for medical and long-term care services for medicaid eligible individuals to implement the act.

APPROVED by Governor May 30, 2023

EFFECTIVE May 30, 2023

H.B. 23-1243 Hospital community benefit activities - public meeting requirements - reporting requirements - appropriation. The act makes changes to hospital community benefit activity requirements and imposes certain requirements on the public meetings regarding each reporting hospital's community benefit activities and community implementation plan (plan). The act requires each reporting hospital to:

- Expand upon the manner in which the hospital invites the public to attend meetings, including by posting the invitation on the hospital's website and social media accounts and by distributing the invitation via the reporting hospital's electronic newsletter, e-mail lists, or any other communications between the hospital and the community it serves at least 30 days before the meeting;
- Share at each public meeting the community benefit activities from the previous year, the amount funded for each activity, and a description of how the activities and funding align with community priorities;
- Submit a report to the department of health care policy and financing (state department) that details who attended the public meeting, the topics discussed at the meeting, and any decisions made as a result of the discussion, particularly as they pertain to community benefit priorities, and community feedback received and how the hospital plans to incorporate the feedback into its community benefit implementation plan;
- Make each report available to the public; and
- Present priority areas identified in its most recent community health needs assessment and any other community benefit investment option it recommends.

The act requires the state medical services board to promulgate rules governing accommodation standards for the public meetings and include in its annual report a summary of the estimated federal, state, and property tax exemptions received by each hospital.

The act requires the state department to:

- Conduct a stakeholder meeting to determine best practices to ensure diverse input from local community members is used to determine community priorities as well as best practices for hospitals to collaborate with local public health agencies and community organizations to reduce redundant community needs assessments.
- Take remedial action if a hospital fails to comply with the hospital community benefit activity requirements. Such remedial action can include weekly fines between \$5,000 and \$20,000 for each violation.

The act requires a reporting hospital to expend any amount fined on community benefit

investment priorities described in its current community benefit implementation plan. The reporting hospital must include information on how the money from fines was expended in the reporting hospital's annual report submitted to the state department.

The act appropriates \$50,000 from the healthcare affordability and sustainability fee cash fund to the state department for use by the office of the executive director of the state department, \$100,000 from reappropriated funds received from the state department to the department of revenue for personal services, and \$50,000 in anticipated federal funds for transfer to the department of revenue.

APPROVED by Governor May 10, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1295 Recovery audit contract program - reports - training - advisory group - audit contract - appropriation. The act requires the department of health care policy and financing (department) to:

- At least quarterly, publish on its website an audit activity report detailing current and recently completed recovery audits and summaries of the findings of recovery audits;
- When the department enters into a new contract for recovery audits, post on its website a copy of the contract, scope of work, and information regarding supervision of contractor deliverables for such audits;
- At least quarterly, conduct trainings for providers and hold stakeholder meetings; and
- Create a provider advisory group to advise the department on issues that providers have concerning the recovery audits.

The act requires the office of the state auditor to:

- During the 2023-24 state fiscal year, contract for an independent review of the department's recovery audit contractor program for compliance with requirements of the federal recovery audit contractor's program, coding practice standards, and state law; and
- Contract with an entity to assess federal flexibilities to improve the recovery audit contractors program and assist the department in pursuing those flexibilities.

The act appropriates from the general fund \$39,287 to the department and \$850,000 to the legislative department for use by the office of the state auditor.

APPROVED by Governor June 1, 2023

EFFECTIVE June 1, 2023

H.B. 23-1300 Continuous medical assistance coverage for children and adults - feasibility study - federal authorization - reporting - appropriation. The act requires the department of health care policy and financing (state department) to study the feasibility of extending continuous medical coverage

for additional children and adults.

The state department is required to submit a report detailing its findings and recommendations from the feasibility study to the joint budget committee of the senate and house of representatives, the governor, and to the house of representatives public and behavioral health and human services committee and the senate health and human services committee, or any successor committees, by January 1, 2026, and also make the report publicly available.

No later than April 1, 2024, the state department must seek federal authorization to extend continuous eligibility coverage for children under 3 years of age, including children who would be eligible for medical assistance coverage but are not because of their immigration status, and to extend eligibility coverage for 12 months for adults who have been released from a Colorado department of corrections facility, regardless of any change in income during that time.

Upon approval of the federal authorization, the state department shall implement continuous eligibility coverage by January 1, 2026.

The act appropriates \$337,765 from the general fund to the state department for use by the executive director's office (office). From this appropriation the office may use \$192,915 for personal services, \$20,050 for operating expenses, and \$124,800 for general professional services and special projects. The act anticipates that the state department will receive \$337,765 in federal funds to implement this act.

APPROVED by Governor June 1, 2023

EFFECTIVE June 1, 2023

HUMAN SERVICES - BEHAVIORAL HEALTH

H.B. 23-1003 Sixth through twelfth grade mental health screening program - creation - rules - appropriation. The act creates the sixth through twelfth grade mental health screening program (program) administered by the behavioral health administration (BHA) to identify risks and provide resources and referrals related to student mental and emotional health needs. The act allows any public school that serves any of grades 6 through 12 and meets certain requirements to participate in the program.

The act requires participating schools to provide written notice to the parents of students within the first 2 weeks of the start of the school year in order to allow parents to opt their child out of the program.

Mental health screenings must be conducted in participating schools by a screener selected through a request for proposals process. The act requires a screener to notify a student's parent if the screener determines that additional mental health services are needed based on the student's mental health screening results.

Students who are home-schooled but who participate in extracurricular activities or athletic programs at a participating school are exempt from the program.

The act appropriates \$475,278 from the general fund to the department of human services for community-based mental health services related to the program.

APPROVED by Governor June 5, 2023

EFFECTIVE June 5, 2023

H.B. 23-1067 Deafblind children and families - family and community intervener program - appropriation. The act creates the family and community intervener program (program) to support children who are deafblind and their families. The program provides deafblind children the services of an intervener who is specifically trained in deafblindness, building language and communication skills, and intervention strategies with children who are deafblind and their community, families, and environment. The Colorado commission for the deaf, hard of hearing, and deafblind shall contract with an intervener program manager (manager) who has oversight over the program, the intervener activities, and the outcomes for children who are deafblind.

The manager and intervener shall collaborate with other state agencies as appropriate that provide direct or indirect services to children who are deafblind and their families to identify potential additional services or opportunities for children who are deafblind.

The program is funded through the Colorado telephone users with disabilities fund.

For the 2023-24 state fiscal year, \$130,092 is appropriated to the Colorado commission for the deaf, hard of hearing, and deafblind cash fund from the Colorado telephone users with disabilities

fund. This amount is reappropriated to the department of human services for use by the office of adults, aging, and disability services for the implementation of this act.

APPROVED by Governor May 15, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1153 Serious mental illness services and support - feasibility study - appropriation. The act requires the state department of human services (state department) to contract with an independent third party to conduct a feasibility study to determine the feasibility of creating a system to support individuals with serious mental illness through a collaboration between Colorado's behavioral health and judicial systems.

The act requires the state department to work with the behavioral health administration, department of local affairs, department of public safety, department of health care policy and financing, judicial department, and other state agencies to determine the eligibility requirements and application process for selecting the independent third party.

The act requires the state department to submit a report detailing the findings and recommendations from the feasibility study to the general assembly, the governor's office, and impacted state agencies by March 1, 2024.

The act appropriates \$300,000 to the state department in state fiscal year 2023-24 for purposes of conducting the feasibility study. The appropriation consists of \$160,000 from the general fund and \$140,000 from the behavioral and mental health cash fund.

APPROVED by Governor May 30, 2023

EFFECTIVE May 30, 2023

H.B. 23-1200 Managed care entities - single case agreements. To help serve persons with behavioral health needs who are enrolled in medicaid, the act requires managed care entities (MCE) to enter into single case agreements with willing providers of behavioral health services enrolled in the medical assistance program when network development and access standards are not met and a member needs access to a medically necessary behavioral health service. The act sets forth the requirements for single case agreements created by an MCE.

APPROVED by Governor June 7, 2023

EFFECTIVE June 7, 2023

H.B. 23-1204 Recovery residences - client transfer and discharge policy - grievance and appeal process. The act transfers responsibility for regulating recovery residences from the department of public health and environment to the department of health and human services.

Upon admission of a client to a recovery residence, the recovery residence must obtain a signed program agreement from the client regarding the requirements the client must meet to reside at the recovery residence. The residence must also create a relapse plan that must be implemented

if the client returns to the use of alcohol or drugs.

The act requires a recovery residence to implement a client discharge and transfer policy to discharge or transfer a client from a recovery residence in certain circumstances. The policy must be approved by the recovery residence's certifying body before a discharge or transfer may occur.

A recovery residence may discharge or transfer a client with 24-hours' notice in certain circumstances and immediately discharge or transfer a client if the client is found in possession of alcohol or drugs.

The act requires that prior to discharging a client from a recovery residence, the recovery residence shall provide the client with referrals to treatment or support services, alternative housing options, and recommendations for follow-up care.

A recovery residence shall make its code of conduct, drug screening policy, and discharge and transfer policy accessible in all common areas of the residence and may not discriminate based on age, gender, race, or any other basis prohibited by law when determining whether to discharge or transfer a client.

The act requires the certifying body to establish a grievance and appeal process for clients to use when they believe they have been wrongfully discharged or transferred from a recovery residence.

The act allows a certified recovery residence or client that is adversely affected or aggrieved by a decision made by the certifying body to appeal the decision to the Colorado department of personnel and administration, office of administrative courts.

APPROVED by Governor May 1, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1236 Behavioral health administration implementation dates - extension. The act transfers certain administrative responsibilities from:

- The behavioral health administration (BHA) to the department of human services (department);
- The office of behavioral health (OBH) to the department;
- OBH to the BHA; and
- The department to the BHA.

The act repeals OBH as an office in the department.

The act requires the chief information officer of the office of information technology to invite the commissioner of the BHA to select a member to represent the BHA on the government data advisory board.

The act adds the commissioner of the BHA to the health equity commission.

The act states that the BHA is a health oversight agency charged with overseeing the behavioral health-care system in Colorado and discharging the BHA's duties.

The act authorizes the BHA to seek, accept, and expend gifts, grants, or donations for the purpose of administering any behavioral health program and service.

The act requires a behavioral health safety net provider to include services that address the necessary language and cultural barriers to serve communities of color and other underserved populations.

Current law requires the department of public health and environment to continue issuing and renewing behavioral health entity licenses until June 30, 2023. The act extends the date to December 31, 2023.

The act requires the statewide behavioral health safety net system to include services for adults who have a serious mental illness and children and youth who have a serious emotional disturbance.

The act authorizes the BHA to revoke or refuse to renew a behavioral health entity's license if the owner, manager, or administrator of the entity has been convicted of a felony or misdemeanor involving conduct that the BHA determines could pose a risk to the health, safety, or welfare of the entity's consumers.

The act requires the BHA to include in the contract for designated behavioral health administrative services organizations (BHASO) a requirement that the BHASO perform appropriate fiscal management and quality oversight of providers in its network.

Current law requires the BHA to create one regional subcommittee of the advisory council for each behavioral health administrative services organization region. The act requires the BHA to create a regional subcommittee structure as part of the BHASO to promote local community input pertaining to behavioral health service needs. The act adds certain members to the regional subcommittee.

The act requires the BHA to serve as the central organizing structure and responsible entity for jail-based behavioral health services.

Current law requires the commissioner to select and contract with regionally based behavioral health organizations to establish, administer, and maintain adequate networks of behavioral health safety net services and care coordination no later than July 1, 2024. The act extends the date to July 1, 2025.

For state fiscal year 2023-24, the act requires the BHA to safeguard partnerships between community-based behavioral health providers and rural hospitals by allocating money to community-based behavioral health providers.

To implement the care navigation program, the act requires the BHA to provide, directly or through contract, care navigation services and align the care navigation services with the care coordination infrastructure.

The act continuously appropriates money to the 988 crisis hotline cash fund.

Current law specifies the rights of a person detained by a certified peace officer or emergency medical services provider and transported to an outpatient mental health facility or facility designated by the commissioner of the BHA. The act expands the rights to any person detained whether or not

the person is transported to an outpatient mental health facility or facility designated by the commissioner of the BHA. If a person detained is transported to an emergency medical services facility, the transportation hold expires upon the facility receiving the person for screening by an intervening professional.

Current law states the BHA is responsible for licensing mental health residential facilities on and after July 1, 2023. The act extends the date to October 1, 2023.

The act extends the date that behavioral health entities can legally operate without a license from July 1, 2024, to January 1, 2024.

The act decreases the general fund appropriation for use by the BHA and increases the general fund appropriation for use by the OBH for jail-based behavioral health services by \$2,250,400.

APPROVED by Governor May 16, 2023

EFFECTIVE May 16, 2023

H.B. 23-1269 Adequate network of services for children and youth - high-acuity treatment and services cash fund - created - incentive funding pool pilot program - performance monitoring system framework - report - capacity plan - appropriation. The act requires the department of health care policy and financing to analyze how directed payment authority can be used as part of a comprehensive plan to facilitate an adequate network of services for children and youth by requiring each managed care entity to pay no less than state department-established fee schedule rates for services needed to promote clinical stabilization.

The act creates the high-acuity treatment and services cash fund (cash fund). The act authorizes the department of human services (CDHS) to retain any unspent money appropriated in fiscal year 2022-23 and 2023-24 from the general fund for counties during the initial allocations for the administration of child welfare services, core services, or child welfare staffing. On June 30, 2023, and June 30, 2024, the act requires the state treasurer to transfer any money retained to the cash fund. The act requires CDHS to expend money from the cash fund to provide additional resources to licensed providers to help remove barriers that providers face in serving children and youth whose behavioral or mental health needs require services and treatment that exceed capacity of the established daily rates. The cash fund repeals July 1, 2025.

No later than July 1, 2023, the act requires CDHS to form a working group to make recommendations about developing an incentive funding pool pilot program to incentivize residential treatment providers to accept and treat children and youth who have high-acuity behavioral health needs to appropriate treatment and placement.

The act requires the behavioral health administration (BHA) to consult with a working group to help develop the performance monitoring system framework that addresses the minimum performance standards for treatment of children and youth, which must include measures of accountability for children and youth who are boarding or in extended stay.

Beginning September 1, 2023, and each quarter thereafter until October 1, 2024, the act requires each hospital to report information to the BHA on the total number of children and youth patients who were boarding or had extended stay in the previous quarter; if known, how many children and youth who were boarding or had extended stay and were in county custody at the time; and, for patients who were discharged during the quarter, where the patients were discharged to.

Beginning September 1, 2023, and each quarter thereafter until October 1, 2024, the act requires CDHS to report information to the BHA on the total number of children and youth in the custody of, or who had involvement with, a county department of human or social services who spent time at least overnight in a hotel or a county department office as a stopgap setting.

No later than September 1, 2023, and each quarter thereafter until October 1, 2024, the act requires the BHA to report aggregated and de-identified information submitted to the BHA to the working group.

The act requires CDHS to develop a capacity plan for whenever a residential treatment facility for children and youth closes or has a substantial change in operation.

The act appropriates \$5,900,000 from the cash fund to CDHS for use by the division of child welfare for high-acuity treatment services. Any money remaining from the appropriation prior to July 1, 2024, is further appropriated to CDHS for fiscal year 2024-25.

APPROVED by Governor June 5, 2023

EFFECTIVE June 5, 2023

HUMAN SERVICES - SOCIAL SERVICES

S.B. 23-40 At-risk adults - CAPS check - staffing agency perform checks - mistreatment report disclosure guardian appeal. Under current law, when an employer is going to hire a person to work in a position in which the person has contact with at-risk adults, the employer must perform a check of the system that contains substantiated claims of mistreatment against an at-risk adult (CAPS check). The bill requires a staffing agency that provides employees who will have contact with at-risk adults to perform a CAPS check and to provide the results to the employer.

Under current law, disclosure of a report of mistreatment or neglect is generally only allowed with a court order. The bill clarifies a court order is not required when the report is disclosed for purposes of a guardian's appeal of a substantiated case of at-risk adult mistreatment.

APPROVED by Governor March 10, 2023

EFFECTIVE January 1, 2024

S.B. 23-226 Transitional jobs program - extension. The act extends the time period to offer eligible individuals the opportunity to work in transitional jobs for 5 additional years.

The act extends the repeal date of the transitional jobs program from July 1, 2025, to July 1, 2030.

APPROVED by Governor April 20, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1107 Victim services - funding - coronavirus state fiscal recovery funds. The Colorado crime victim services fund and the state domestic violence and sexual assault services fund are scheduled for repeal in 2027. The act continues both funds indefinitely and clarifies that the money in each fund that originated from the federal coronavirus state fiscal recovery fund must comply with the requirements in the federal "American Rescue Plan Act of 2021" and related state law.

The act requires the state treasurer to transfer \$3 million from the general fund to the state domestic violence and sexual assault services fund on July 1, 2023.

APPROVED by Governor May 25, 2023

EFFECTIVE May 25, 2023

H.B. 23-1158 Food assistance - Colorado commodity supplemental food grant program - food bank assistance grant program - appropriation. The act creates the Colorado commodity supplemental food grant program to provide grants of money to aid county public health agencies, district public health agencies, county departments of human or social services, and food banks that have a contract with the department of human services (department) in purchasing and distributing food packages to qualifying low-income older Colorado adults.

The act creates the food bank assistance grant program in the department. The purpose of the food bank assistance grant program is to increase the amount of nutritious food that food banks are able to provide to the food bank's hunger relief partners. Subject to available appropriations, the department may provide grants of money to food banks to enhance the food bank's capacity to distribute quality foods to hunger relief partners.

For the 2023-24 state fiscal year, the act annually appropriates \$1 million from the general fund to the department for the Colorado commodity supplemental food grant program.

APPROVED by Governor June 7, 2023

EFFECTIVE June 7, 2023

INSURANCE

S.B. 23-179 Dental insurance - dental loss ratio information - filing with division of insurance - posting required - identification of deviations - dental coverage plan identification card - rules - appropriation. The act requires a health insurance carrier (carrier) that issues, sells, renews, or offers a dental coverage plan to file, beginning in 2024, dental loss ratio forms with the division of insurance (division) for the preceding calendar year in which dental coverage was provided.

The division is required to post dental loss ratio information on its website or submit the information to the administrator of the all-payer health claims database (APCD). If the information is submitted to the APCD administrator, the administrator is directed to make the information available to the public.

Once the division has collected dental loss ratio information for 2 years, the commissioner of insurance (commissioner) shall promulgate rules that create a process to identify any carriers that significantly deviate from average dental loss ratios and to investigate the causes of the deviation.

The act requires the commissioner to adopt rules that require each carrier that provides a dental coverage plan to issue to covered persons to whom a dental coverage plan identification card is issued a standardized written or virtual card containing plan information.

The act also requires prepaid dental plans to file rates with the division.

The act appropriates \$64,252 from the division of insurance cash fund to the department of regulatory agencies for use by the division of insurance for personal services and operating expenses.

APPROVED by Governor June 2, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-195 Health benefit plans - calculation of cost-sharing requirements - credit for payments made by others for prescription drugs - rules. For health benefit plans issued or renewed on or after January 1, 2025, the act requires a health insurer or pharmacy benefit manager to include in the calculation of a covered person's contributions toward cost-sharing requirements, including any annual limitation on a covered person's out-of-pocket costs, any payments made by or on behalf of the covered person for a prescription drug if:

- The prescription drug does not have a generic equivalent or, for a biological product, a biosimilar drug or interchangeable biological product; or
- The prescription drug has a generic equivalent, a biosimilar drug, or an interchangeable biological product, but the covered person is using the brand-name drug after obtaining prior authorization, complying with a step-therapy protocol, or otherwise receiving approval from the carrier or pharmacy benefit manager if those utilization management processes are not otherwise prohibited by law.

The commissioner of insurance is authorized to adopt rules necessary to implement the act. The act applies to health benefit plans issued or renewed on or after January 1, 2025.

APPROVED by Governor June 5, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-284 Health benefit plans - contraception - coverage and pharmacy reimbursement - 12-months' supply - dispensed at one time. The act requires a carrier that offers a health benefit plan (carrier) or a pharmacy benefit management firm that administers or manages contraception coverage under a health benefit plan (PBM) to provide coverage for, and reimburse a prescribing provider or in-network dispensing entity for, the single dispensing or furnishing of contraception intended to last the covered person for a duration of 12 months, as permitted by the covered person's prescription, dispensed or furnished at one time, unless requested otherwise by the covered person.

A carrier or PBM is subject to certain requirements, as applicable, including:

- Allowing coverage of continuous use of contraception, as determined by the prescribing provider;
- A prohibition against implementing utilization management practices that prevent the dispensing of a 12-months' duration of contraception;
- Allowing for alternate prescribed contraception, if medically necessary; and
- Providing coverage for over-the-counter contraception without a prescription and without prior authorization, step therapy, utilization management, or cost sharing.

The act requires carriers to report annually to the division of insurance in the department of regulatory agencies concerning contraception coverage and requires PBM's to provide information to carriers for purposes of this reporting. The act authorizes the commissioner of insurance to promulgate rules regarding the coverage.

APPROVED by Governor May 30, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1002 Epinephrine auto-injectors - insurance coverage - cap on cost-sharing - affordability program - program eligibility - program requirements - drug manufacturers and pharmacies - violations - deceptive trade practice - fines - program promotion - rules - appropriation. For health coverage plans issued or renewed on or after January 1, 2024, the act requires a health insurance carrier (carrier) that provides coverage for prescription auto-injectors (injectors) to cap the total amount that a covered person is required to pay for injectors at an amount not to exceed \$60 for a 2-pack of the injectors. The act allows coverage for injectors to be offered through a high deductible plan that qualifies for a health savings account, and a carrier may apply deductible amounts if the coverage is not considered by the United States department of the treasury to be preventive or to have an acceptable deductible amount.

Effective January 1, 2024, the act creates an epinephrine auto-injector affordability program (program) to provide low-cost injectors to eligible individuals. By January 1, 2024, each manufacturer must establish procedures and make injectors available as prescribed in the act to eligible individuals who hold a valid prescription for injectors.

The act establishes eligibility requirements that residents of Colorado must meet in order to be eligible for the program.

The act requires the division of insurance in the department of regulatory agencies (division) to create an application for the program for use by an individual seeking injectors through the program and requires the division and the department of health care policy and financing to make the application available on their websites and to promote the availability of the program.

A pharmacy that dispenses injectors is authorized to collect a copayment not to exceed \$60 from the individual to cover the pharmacy's costs of processing and dispensing a 2-pack of injectors.

A manufacturer of injectors:

- Is required to make injectors available to individuals through the program;
- May be required to reimburse the dispensing pharmacy in an amount that the pharmacy paid for the number of injectors dispensed through the program or send the pharmacy a replacement supply of the same number of injectors;
- Is required to develop a process for a pharmacy to submit electronic reimbursement claims.

If a manufacturer fails to comply with the requirements of the act, the manufacturer engages in a deceptive trade practice and is subject to a \$10,000 fine for each month of noncompliance.

The act appropriates \$58,291 from the division of insurance cash fund to the department of regulatory agencies for use by the division of insurance to implement the act.

APPROVED by Governor June 7, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1004 Insurance documents - translation into other languages - use of language used in advertisements. Current law allows insurance policies to be translated to and issued in a language other than English if the insurer certifies that the English-language policy that is translated complies with state insurance laws. Section 1 of the act requires the insurer to also certify that the policy has been correctly translated by a certified translator or, if a certified translator is not available to translate the policy to the particular language, by a qualified translator who certifies that the translation is correct.

Section 2 requires insurers that issue commercial or personal automobile, homeowners', or renters' insurance policies to offer, make available, and issue the policy application, the policy, and related documents and forms in the same language that the insurer used in advertisements for the policy and to offer an applicant a form to select the applicant's language of choice for those documents. Section 2 also specifies remedies for an insurer's failure to comply with this requirement.

APPROVED by Governor April 11, 2023

EFFECTIVE January 1, 2024

NOTE: This act was passed without a safety clause.

H.B. 23-1116 Health insurance - contract requirements - payment methods - fee prohibited - enforcement. With regard to a contract between a health insurance carrier (carrier) and a licensed health-care provider (provider) for the provision of health-care services to covered persons under a health coverage plan issued by the carrier (contract), the act:

- Requires the carrier to offer at least one method of payment to the provider for which there is not an associated fee; and
- Prohibits the carrier from restricting the form or method of payment the carrier uses to make payments to the provider so that the only acceptable payment method is a credit card payment.

If a carrier initiates a payment to a provider using, or changes the payment method to, electronic funds transfer payments, including virtual credit card payments, the act requires the carrier to:

- Notify the provider of any fees associated with the particular payment method;
- Advise the provider of the available payment methods and include instructions on how to select an alternative available method; and
- With each payment, remit an explanation of benefits.

The act prohibits a carrier from charging a fee for a change in the payment method to a specified electronic transaction and allows a provider's billing service to charge a fee under certain circumstances.

The act grants enforcement authority to the commissioner of insurance.

APPROVED by Governor April 10, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1136 Health insurance - required coverage - prosthetic devices for physical and recreational activities - applicability of coverage to individual, small group, and large employer plans. For the purposes of health insurance coverage for a prosthetic device (device), the act requires a health insurance carrier to provide coverage for an additional device or devices if the covered person's treating physician determines that the additional device or devices are necessary for the covered person to engage in physical and recreational activities.

The required coverage applies to large employer plans issued or renewed on or after January 1, 2025. For individual and small group plans, the act requires the division of insurance (division) to make a determination as to whether the required coverage for a prosthetic device or devices is in addition to essential health benefits that requires the state to defray the costs of the required coverage and to submit the determination to the federal department of health and human services (federal department) for confirmation of the division's determination. If the federal department confirms that the required coverage is not in addition to essential health benefits or fails to respond within 365 days after the division submitted the request, the required coverage applies to individual and small group plans issued or renewed on or after January 1, 2025.

APPROVED by Governor May 25, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1174 Homeowner's insurance - cost of reconstructing a home - annual report - increase notice requirement - determining the cost to reconstruct a home - extended replacement cost and law and ordinance coverage requirements - appropriation. The act requires the commissioner of insurance (commissioner) to prepare an annual report on the cost of reconstructing homes in Colorado.

Current law prohibits an insurer from canceling or refusing to renew a policy of homeowner's insurance unless the insurer mails notice to the insured at least 30 days in advance of the effective date of the cancellation of or refusal to renew the policy. The act increases the notice requirement to 60 days in advance of the action.

The act specifies the factors an insurer must consider when determining the reconstruction costs of a dwelling and requires insurers to disclose certain information regarding the replacement costs before issuing or renewing a homeowner's insurance policy.

Current law requires an insurer to offer an applicant extended replacement cost and law and ordinance coverage before issuing or renewing certain replacement cost homeowner's insurance policies. The act requires the coverage to be:

- Equal to 20% of the limit of insurance for the dwelling for law and ordinance coverage (changed from 10%); and
- At least 50% of the limit of the insurance for the dwelling for extended replacement cost coverage (changed from 20%).

To implement the act:

- \$109,955 is appropriated to the department of regulatory agencies for use by the division of insurance; and
- \$38,066 is appropriated to the department of law.

APPROVED by Governor May 12, 2023

PORTIONS EFFECTIVE August 7, 2023

PORTIONS EFFECTIVE January 1, 2025

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die; except that, section 10-4-110.8 (8), Colorado Revised Statutes, as amended in section 3 of the act, takes effect January 1, 2025.

H.B. 23-1224 Health insurance - health benefit exchange - standardized health benefit plans - rate filing requirements - public hearing - rules. The act makes changes to the "Colorado Standardized Health Benefit Plan Act" to require the Colorado health benefit exchange (exchange), in collaboration with the commissioner of insurance (commissioner), and after a stakeholder engagement process with consumers, producers, and insurance carriers (carriers), to develop a format for displaying the standardized health benefit plans (standardized plans) on the exchange.

The act requires carriers to file with the commissioner insurance rates for the standardized plans that comply with the premium rates specified in law for the standardized plans. The act allows the commissioner to establish uniform limits on carriers' administrative costs and profits for standardized plans.

Under the act, if a carrier is unable to offer the standardized plan at the required premium rates:

- The carrier must provide relevant information concerning the steps the carrier will take to meet the requirements, along with supporting documentation; and
- The division of insurance may hold a public hearing, pursuant to notice by the commissioner and in a manner specified by rules promulgated by the commissioner, prior to the approval of the carrier's final rates.

APPROVED by Governor May 10, 2023

EFFECTIVE May 10, 2023

H.B. 23-1225 Health-care coverage - prescription drug affordability review board - affordability review process - judicial review of board functions - independent external reviews. In 2021, the general assembly enacted Senate Bill 21-175, concerning the Colorado prescription drug affordability review board, which created the prescription drug affordability review board (board) in the division of insurance (division) and an affordability review process whereby the board may review costs associated with, and establish upper payment limits for, certain prescription drugs. The 2023 act makes certain changes concerning the board.

Section 1 clarifies which actions taken by the board are "board activities", as this term is used elsewhere. Section 2 states that staff members and contractors of the division must disclose any conflict of interest related to a prescription drug for which the board is conducting an affordability review or establishing an upper payment limit. Such a disclosure remains confidential if it relates to a personal association. The board, upon review of a disclosure, may direct the staff member or contractor of the division to recuse themselves.

Section 3 allows the chair of the board to cancel or postpone a board meeting for good cause. Section 4 makes certain changes to the procedure by which the board identifies prescription drugs that may be subjected to an affordability review, which changes take effect January 1, 2025, and requires the board to report on its public web page certain information regarding its considerations.

Under current law, the board may not establish an upper payment limit for more than 12 prescription drugs per calendar year for 3 years, beginning April 1, 2022. Section 5 lets the board establish an upper payment limit for up to 18 prescription drugs per calendar year if the board determines that there is a need and has sufficient staff support.

Section 6 establishes that an upper payment limit for a prescription drug is not a final agency action that is subject to judicial review until the board promulgates a rule establishing the upper payment limit. Sections 6 and 7 remove certain language concerning a process for appealing decisions of the board.

Sections 8 and 9 extend the repeal and associated sunset review of the board from September 1, 2026, to September 1, 2031.

Section 10 establishes that a denial of a request for benefits for a prescription drug that is unavailable in the state because a manufacturer has withdrawn the prescription drug from sale or distribution within the state is an "adverse determination" for which an individual may request an independent external review.

APPROVED by Governor May 10, 2023

PORTIONS EFFECTIVE August 7, 2023
PORTIONS EFFECTIVE January 1, 2025

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die; except that, section 4 of the act takes effect January 1, 2025.

H.B. 23-1227 Pharmacy benefit managers - registration requirement - fees - commissioner of insurance authority - enforcement - rules - appropriation. Under current law, pharmacy benefit managers (PBMs) are required to perform certain acts and are prohibited from engaging in certain acts. Specifically, PBMs are prohibited from:

- Requiring patients to obtain their prescription drugs through mail order;
- Charging pharmacies fees to adjudicate claims;
- Requiring pharmacies to obtain accreditations or certifications that are different than what the PBM requires of its affiliated pharmacies;
- Retroactively reducing a payment made to a pharmacy on a drug claim after the point of sale or reimbursing a pharmacy in an amount that is less than the amount reimbursed to its own affiliated pharmacy for the same pharmacy service;
- Modifying the prescription drug formulary under a health benefit plan during the plan year;
- With regard to audits, using specified techniques in calculating a recoupment or penalty, subjecting a pharmacy to recoupment when a clerical error is discovered, and requiring pharmacies to be audited more than once a year;
- Prohibiting a pharmacy or pharmacist from, or penalizing a pharmacy or pharmacist for, providing information to patients about more affordable, therapeutically equivalent alternatives to a prescribed drug; or
- Requiring a pharmacy or pharmacist to charge or collect a copayment from an insured patient that exceeds the total charge submitted by the pharmacy for the prescription drug.

Additionally, PBMs are required to:

- Provide pharmacies 7 days' written notice before an audit, conduct an audit by or in consultation with a pharmacist, allow the pharmacy to supplement claims documentation, and establish an appeals process;
- Provide an insured individual, the insured's health-care provider, or a third party acting on behalf of the insured or provider with up-to-date and real-time cost, benefit, and coverage information under the terms of the insured's health benefit plan; and
- Provide contracted pharmacies with the list of sources the PBM used in determining maximum allowable cost pricing, update the information every 7 days, allow pharmacies the ability to readily review the information, follow specified requirements when placing a drug on the maximum allowable cost list, and establish an appeals process to resolve disputes.

The act specifies that the commissioner of insurance (commissioner) has the power to enforce these prohibitions and requirements and impose penalties on PBMs for failing to comply with these prohibitions and requirements. The commissioner is also authorized to adopt rules as necessary to implement and enforce these prohibitions and requirements.

Additionally, the act requires PBMs to register with and pay a registration fee to the

commissioner and authorizes the commissioner to deny, suspend, revoke, or refuse to issue, continue, or renew a PBM registration or to issue a cease-and-desist order if the commissioner finds that a PBM has engaged in specified activities, including violating an insurance law.

The PBM registration fees imposed under the act are to be used to fund the costs of the division of insurance in enforcing requirements and prohibitions on PBMs.

The act appropriates \$206,647 from the division of insurance cash fund to the department of regulatory agencies for use by the division of insurance for personal services and operating expenses related to implementing the act.

APPROVED by Governor May 10, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1288 Property insurance - fair access to insurance requirements (FAIR) plan - FAIR plan association and board - duties - plan requirements - commissioner authority. The act creates an unincorporated public entity, the fair access to insurance requirements plan association (association), to provide property insurance coverage when such coverage is not available from admitted companies.

The association must:

- Establish, offer, and maintain a property insurance policy and a commercial property insurance policy that satisfy the requirements specified in the act; and
- Assess and share among member insurers all expenses, income, and losses based on each member insurer's written premium for property and commercial property insurance in the state.

The association is managed by a board of directors consisting of 9 members appointed by the governor. The board is required to administer the fair access to insurance requirements plan (FAIR plan).

The FAIR plan must include rates that:

- Are not excessive, inadequate, or unfairly discriminatory;
- Are actuarially sound so that revenue generated from premiums is adequate to pay for expected losses, expenses, and taxes;
- Reflect the investment income of the FAIR plan; and
- Reflect the cost of reinsurance or other capital risk transfer markets.

The board must establish a plan of operation for the FAIR plan. The plan of operation must provide for:

- The lines of insurance coverages to be written;
- Coverage limits not to exceed \$750,000 for property and \$5,000,000 for commercial property owners;
- The policy forms to be used;
- The perils to be covered;
- The establishment of reasonable underwriting standards to determine the eligibility

- of a risk, including mitigation requirements and property inspections;
- The compensation and commissions to be paid to licensed producers offering the FAIR plan;
- The time frames for fees to be collected from member insurers;
- Proportional assessments against member insurers;
- The administration of the plan of operation by the board; and
- Any other matter necessary or convenient for the purpose of assuring fair access to a FAIR plan.

The FAIR plan association may collect fees from member insurers and the commissioner of insurance may suspend or revoke a member insurer's certificate of authority to transact insurance business in this state or impose against the member insurer a fine in an amount equal to the greater of the fee plus interest or \$5,000 for the member insurer's failure to timely pay a fee or to comply with the plan of operation for the FAIR plan.

APPROVED by Governor May 12, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1303 Insurance companies - protections in event of failure - inclusion of HMOs in life and health insurance protection association - assessments - coverage exclusions. The act amends the priority of distribution of insurance claims paid from an insurer's estate in the event of the insurer's liquidation to include in the class 1 distribution priority payments that an impaired or insolvent insurer owes to the risk adjustment program that are necessary to prevent another insurer from becoming impaired or insolvent. This prioritization adjustment repeals on July 1, 2026.

The act also amends the "Life and Health Insurance Protection Association Act" as follows:

- Adds health maintenance organizations (HMOs) as members of the association and subjects HMOs to assessments from the association;
- Allocates responsibility for long-term care insurance assessments between health insurance and life insurance association members; and
- Specifies that the "Life and Health Insurance Protection Association Act" does not provide coverage to a person that acquires rights to receive, or to a payee or beneficiary that transfers its rights in, a structured settlement factoring transaction, as defined in federal law, regardless of when the transaction occurred.

APPROVED by Governor May 15, 2023

EFFECTIVE May 15, 2023

LABOR AND INDUSTRY

S.B. 23-5 Colorado state forest service - outreach to high schools concerning career opportunities in forestry and wildfire mitigation - creation of timber, forest health, and wildfire mitigation industries workforce development program - general fund transfer to wildfire mitigation capacity development fund - expansion of forestry and wildfire mitigation degree and certificate programs-creation of recruitment of wildland fire prevention and mitigation educators program - appropriations. The act directs the Colorado state forest service (state forest service) to consult with other entities to develop educational materials relating to career opportunities in forestry and wildfire mitigation for distribution to high school guidance counselors to provide to high school students.

The act creates the timber, forest health, and wildfire mitigation industries workforce development program (development program) in the state forest service to provide partial reimbursement to timber businesses and forest health or wildfire mitigation entities for the costs of hiring interns.

The act requires the state treasurer, on June 30, 2023, and on June 30 each year thereafter, to transfer \$1,000,000 from the general fund to the wildfire mitigation capacity development fund for allowable uses of the fund.

The act authorizes the expansion of existing forestry programs, including wildfire mitigation programs, and the creation of new forestry programs at public institutions of higher education (public institutions) to include state institutions of higher education, local district colleges, and area technical colleges. The commission on higher education (commission) shall determine which public institutions receive funding for expanded or new forestry programs, prioritizing public institutions that can provide a trained workforce expeditiously. The act provides for the acquisition of a harvesting simulator to train students, which may be shared among the forestry programs. The act includes funding for the forestry programs.

The act directs the state board for community colleges and occupational education (community college board) to administer the recruitment of wildland fire prevention and mitigation educators program (recruiting program) to increase the number of qualified educators at community colleges, area technical colleges, and local district colleges that deliver a wildfire prevention and mitigation program or course.

For the 2023-24 state fiscal year:

The act appropriates \$15,000 to the healthy forests vibrant communities cash fund from the general fund; and

The act appropriates \$1,545,034 to the department of higher education from the general fund, including:

- \$114,384 for the Colorado state forest service at Colorado state university;
- \$1,180,650 for use by the commission for new and expanded forestry programs; and
- \$250,000 for the college opportunity program to be used for fee-for-service contracts for the community college board state system colleges for the recruiting program.

APPROVED by Governor May 12, 2023

EFFECTIVE May 12, 2023

S.B. 23-17 Paid sick leave - additional uses - appropriation. The act allows an employee to use accrued paid sick leave when the employee needs to:

- Care for a family member whose school or place of care has been closed due to inclement weather, loss of power, loss of heating, loss of water, or any other unexpected occurrence or event that results in the closure of the family member's school or place of care;
- Grieve, attend funeral services or a memorial, or deal with financial and legal matters that arise after the death of a family member; or
- Evacuate the employee's place of residence due to inclement weather, loss of power, loss of heating, loss of water, or any other unexpected occurrence or event that results in the need to evacuate the employee's residence.

To implement the act, \$74,927 is appropriated from the general fund to the department of labor employment for use by the division of labor standards and statistics.

APPROVED by Governor June 2, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-46 Paid family and medical leave - benefit calculation. The act eliminates the requirement that an individual's weekly paid family and medical leave benefit be calculated based on the average weekly wage earned only from the job or jobs from which the individual is taking paid family and medical leave.

APPROVED by Governor March 23, 2023

EFFECTIVE March 23, 2023

S.B. 23-51 Office of future of work - report - conforming state apprenticeship agency with federal regulations. The office of future of work (OFW) was created in the department of labor and employment (department) by executive order of the governor in 2019 to respond to the changing nature of work in the state. The act creates the OFW in statute and expands the duties of the OFW. The purpose of the OFW is to:

- Identify opportunities for Colorado's communities to transition effectively to emerging industries;
- Ensure the inclusion of key stakeholders and engage partnerships across public and private sectors;
- Host, organize, and convene task forces, summits, and other appropriate meetings with diverse stakeholders, designed to improve the state's understanding of the social and economic impacts of the changing nature of work;
- Explore ways that the state can prepare for current and future impacts, including through the modernization of worker benefits and protections, the development of a skilled and resilient workforce through coordination of registered apprenticeship programs, and the identification of new policy and program solutions; and
- Undertake studies, research, and factual reports related to issues of concern and importance to Colorado's future workforce.

The executive director of the department is required to submit a report to the governor, at least once per calendar year, that includes recommendations for potential policy initiatives.

In 2021, House Bill 21-1007 created the state apprenticeship agency (SAA) in the department. The act amends provisions governing the SAA to enable the United States department of labor's office of apprenticeship to recognize Colorado's state apprenticeship agency and authorize the SAA to register and oversee apprenticeship programs. To conform with regulations promulgated by the United States secretary of labor under the federal "National Apprenticeship Act", the act:

- Modifies references to apprenticeships in Colorado statutes;
- Directs the SAA to establish the state apprenticeship council (SAC) to provide advice and guidance to the SAA;
- Creates the committee for apprenticeship in the building and construction trades (CABCT) as a subcommittee of the SAC to advise the SAA on registered apprenticeship programs for the building and construction trades in the state; and
- Changes the name of the interagency advisory committee on apprenticeship to the committee for apprenticeship in new and emerging industries (CANEI), designated as a subcommittee of the SAC and tasked with advising the SAA on apprenticeship programs that are not within the jurisdiction of the CABCT.

The bill allows the general assembly to appropriate money from the general fund or any other available source to the department to pay for the OFW to carry out the duties specified in the act. The OFW is also authorized to seek, accept, and expend gifts, grants, or donations to fund its duties.

APPROVED by Governor March 23, 2023

EFFECTIVE March 23, 2023

S.B. 23-58 Job applications - prohibition on inquiries about age-related information on initial employment application - allowance for verifying compliance - rules - enforcement - no private cause of action - appropriation. Starting July 1, 2024, the act prohibits employers from inquiring about a prospective employee's age, date of birth, and dates of attendance at or date of graduation from an educational institution on an initial employment application.

An employer may request an individual to verify compliance with age requirements imposed pursuant to or required by:

- A bona fide occupational qualification pertaining to public or occupational safety;
- A federal law or regulation; or
- A state or local law or regulation based on a bona fide occupational qualification.

The act allows an employer to request or require an individual to provide additional application materials, including copies of certifications, transcripts, and other materials created by third parties, at the time of an initial employment application if the employer notifies the individual that the individual may redact information that identifies the individual's age, date of birth, or dates of attendance at or graduation from an educational institution.

The department of labor and employment (department) is charged with enforcing the requirements of the act and may issue warnings and orders of compliance for violations and, for second or subsequent violations, impose civil penalties. A violation of the restrictions does not create a private cause of action. The department is directed to adopt rules regarding procedures for handling complaints against employers.

For the 2023-24 state fiscal year, \$56,468 is appropriated from the general fund to the

department for use by the division of labor standards and statistics to pay program costs related to labor standards.

APPROVED by Governor June 2, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-105 Wage complaints - process to accept, mediate, and investigate violations - job opportunities - career progressions - posting required - rules - appropriation. Current law authorizes the director of the division of labor standards and statistics in the department of labor and employment (director) to create and administer a process to accept and mediate wage complaints, to provide legal resources concerning alleged wage inequity, and to promulgate rules as necessary for this purpose. The act changes these authorizations to requirements and further requires the director to create and administer a complaint mediation process by July 1, 2024.

Additionally, the act requires the director to:

- Investigate complaints or other leads concerning employer violations of wage inequity;
- Upon finding a violation, order compliance and relief; and
- Promulgate rules to enforce the act.

The act also requires an employer to:

- For each job opportunity, follow specific guidelines for posting the opportunity and provide specific information to employees regarding the compensation, benefits, and date that the application window is anticipated to close; and
- Make reasonable efforts to make known information regarding the candidate who is selected for the job opportunity.

For positions with career progression, the act requires an employer to disclose and make available to all eligible employees the requirements for the career progression.

\$412,438 is appropriated from the general fund to implement the act. Of that sum, \$292,590 is appropriated to the department of labor and employment and \$119,848 is appropriated to the department of personnel.

APPROVED by Governor June 5, 2023

EFFECTIVE January 1, 2024

NOTE: This act was passed without a safety clause.

S.B. 23-146 Colorado state apprenticeship resource directory - required information - outreach. In 2019, the general assembly created the Colorado state apprenticeship resource directory (directory), established by the department of labor and employment (department), that lists registered apprenticeship program sponsors that operate programs in Colorado. The act expands the information the department requires apprenticeship programs to submit to include the credits, certificates, or other credentials earned or prepared for through a program; program completion metrics; and wage-related information. The directory must also include information regarding each program's registration information and registered apprenticeship program standards.

The act requires the department, in its efforts to promote awareness of the directory, to conduct annual outreach that includes providing technical assistance and resources to promote apprenticeship openings.

APPROVED by Governor April 17, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-231 Wage theft enforcement fund - payments to employees - when permitted - rules - appropriation. Starting April 1, 2024, the act allows the division of labor standards and statistics (division) in the department of labor and employment (department) to use money in the wage theft enforcement fund (fund) to pay employees who are owed money from their employers due to obligations and liabilities related to the payment of wages or other compensation. The division may pay an employee if an employer fails to fulfill an order by the division to pay the employee that results from a wage claim or an investigation:

- Within 6 months after the division issues a citation and notice of assessment to the employer; or
- If the employer requests a hearing, within 6 months after the hearing officer issues a decision.

The act specifies that after the division pays the employee:

- The employee cannot recover that payment amount from the employer;
- The division replaces the employee as creditor and shall continue to pursue the payment from the employer; and
- Any money recovered from the employer by the division will be credited to the fund.

The act requires the division to promulgate rules specifying procedures and criteria for employees to request payments and for the division to make determinations on employee requests.

The act continuously appropriates money in the fund to the division for the purpose of making payments to employees for unpaid liabilities, but for purposes of the division's direct and indirect costs implementing wage laws, the money in the fund is subject to annual appropriation by the general assembly. The act excludes the fund from the limit on cash fund reserves. For the 2023-24 state fiscal year, the act appropriates \$12,657 from the fund to the department for use by the department's office of the executive director for personal services.

APPROVED by Governor April 17, 2023

EFFECTIVE April 17, 2023

S.B. 23-232 Unemployment insurance - premium rate - support surcharge rate - allocation to specified funds - cap on employment support fund balance - use of Title XII repayment fund - reporting requirements. For purposes of complying with requirements of the "Federal Unemployment Tax Act", the act reduces employer premium rates by 10% across all rates in the standard premium rate schedule. Additionally, the act creates a schedule for the support surcharge rate (schedule), which is used to establish contributions to the employment support fund, the employment and training technology fund, and the benefit recovery fund. The new schedule uses the same methodology as is used in calculating an employer's percent of excess, which is the percentage resulting from the calculation of an employer's excess of premiums paid over benefits charged,

divided by the average chargeable payroll.

The act changes the cap on the amount of money in the employment support fund at the end of any state fiscal year from an amount calculated based on a portion of the employer premium plus \$17 million to a total of \$32.5 million for the next state fiscal year, which amount is adjusted annually based on changes in average weekly earnings.

The act expands the authorized use of money in the Title XII repayment fund to allow the division of unemployment insurance (division) in the department of labor and employment to use the money for costs associated with bonds or notes issued by the division, including interest on the bonds or notes, to the extent permitted by federal law.

The act eliminates the requirement for employers to submit premium reports to the division and instead requires employers to submit wage reports.

APPROVED by Governor May 1, 2023

EFFECTIVE May 1, 2023

S.B. 23-233 Counties - county employees funded through federal act - merit system required. The act requires a county that seeks to use county department employees (employees) to deliver employment services that are funded through the federal "Wagner-Peyser Act" to create a merit system for the selection, retention, and promotion of these employees. The act requires each county's merit system to conform to specific standards. If a county already has a system in place, the county is required to update the system to comply with the standards.

APPROVED by Governor April 17, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-261 Direct care workforce stabilization board - creation - recommendations regarding direct care workers - reporting - notice requirements - sunset review - appropriations - federal funds. The act creates the direct care workforce stabilization board (board) in the department of labor and employment (department) to review the direct care industry, which is the industry of workers who provide home-based or community-based direct care to individuals who require assistance in accomplishing activities of daily living. The act directs the board, at least once every 2 years, to review the direct care industry and develop recommendations for:

- Minimum employment standards for direct care workers based on information gathered through an investigation of the direct care industry market in relation to the Colorado labor market; and
- Improving state communications with direct care workers about their rights and the obligations of direct care employers.

The board must conduct public hearings to engage direct care workers, direct care employers, and direct care consumers in the development of the standards and recommendations for improved communications. The executive director of the department may direct the board to review minimum direct care employment standards more frequently.

The board must report any recommendations approved by at least 8 board members to the governor and specified committees of the general assembly by September 1, 2024, and at least every 2 years thereafter. Direct care employers are required to provide annual notices to direct care workers regarding:

- Their rights and the obligations of direct care employers under the act;
- Any minimum direct care employer standards and local jurisdiction employment standards applicable to direct care workers; and
- Contact information for obtaining assistance from the department.

Direct care employers are prohibited from retaliating against direct care workers for participating in board meetings and activities. The board is subject to a sunset review and repeal on September 1, 2029.

For the 2023-24 state fiscal year, the act appropriates:

- \$186,876 from the general fund to the department of labor and employment for use by the executive director's office to implement the act; and
- \$60,358 from the general fund and anticipates \$60,358 in federal funds to the department of health care policy and financing to implement the act.

APPROVED by Governor June 5, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-280 Mitigation of transportation-related environmental hazards - fuels impact mitigation enterprise, fee and grant program - modification of existing hazardous materials incident prevention and response and mitigation programs - appropriation. The act creates the fuels impact enterprise (enterprise) in the department of transportation. The enterprise is required to impose a new fuels impact reduction fee on fuel product manufacturers in an amount of up to \$.006125 per gallon of fuel products delivered during the previous calendar month for sale or use in Colorado to fund a new fuels impact reduction grant program (program) that the enterprise administers. The fee is collected and deposited in the fuels impact enterprise cash fund until the fund has an available balance of \$15 million or more.

Under the program, the enterprise provides grants to certain critically impacted communities, governments, and transportation corridors for the improvement of hazardous mitigation corridors and to support local and state government projects related to emergency responses, environmental mitigation, or projects related to the transportation of fuel within the state. The enterprise and the program are repealed, effective January 1, 2030.

Beginning October 1, 2023, the act modifies the fee that is currently collected for distribution to the perfluoroalkyl and polyfluoroalkyl substances cash fund by extending the collection of the fee to 2031 and by changing the distribution of the fee revenue. Under the new distribution, the state treasurer shall credit:

- An amount equal to the cost of administering the fee and an existing tax credit to the department of revenue;
- \$2 million of the fee revenue to the department of public safety to support the

regulation of hazardous materials on highways in the state, to make employer contributions to a multiple employer health trust in order to participate in the voluntary firefighter cancer benefits program, and to enforce commercial and hazardous materials critical corridors determined by the chief of the Colorado state patrol;

- 70% of the amount remaining to the perfluoroalkyl and polyfluoroalkyl substances cash fund; and
- 30% of the amount remaining to the department of transportation to support functions related to the transportation of hazardous materials and the safe and efficient movement of freight as well as to support infrastructure projects that enhance the safety of movement of freight and hazardous materials.

The act also increases the amount of fee revenue that can be held annually in the perfluoroalkyl and polyfluoroalkyl substances cash fund from \$8 million to \$9 million.

Additionally, the act:

- Extends authorization for the division of oil and public safety to use the petroleum storage tank fund for costs related to petroleum storage tank facility inspections and meter calibrations from September 1, 2023, to September 1, 2033;
- Delays the effective date of the \$8 million cap on the petroleum storage tank fund from September 1, 2023, to September 1, 2033;
- Allows the director of the division of oil and public safety, in consultation with the petroleum storage tank committee, to establish rules that allow an operator of petroleum storage tanks pay less than 100% reimbursement for remediation expenses paid from the petroleum storage tank fund to the fund;
- Allows the director of the division of oil and public safety to annually transfer up to \$500,000 from the petroleum storage tank fund to the petroleum cleanup and redevelopment fund;
- Makes hazardous materials troopers eligible for the voluntary firefighter cancer benefits program; and
- Allows the Colorado state patrol to conform hazardous materials routing regulations to transportation commission rules;

\$36,272 is appropriated from the general fund to the department of revenue for implementation of the act.

APPROVED by Governor June 6, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-302 Veterans' service-to-career program - vet participants - extend repeal. Current law includes a Colorado veterans' service-to-career program (program), which authorizes nonprofit agencies to partner with work force centers selected by the department of labor and employment to provide veterans and other eligible participants with skills training, internships, work placements, mentorship opportunities, career and professional counseling, and support services. The program requires that if a program participant is eligible for federal funding that federal funding must be used first. The act repeals that requirement. The act requires work force center staff to vet potential program participants and leverage additional funding sources to deliver comprehensive services.

Obsolete language related to the program is repealed. The act extends the repeal date for the program to July 1, 2024.

APPROVED by Governor June 6, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1030 Health-care staffing agency contracts - nursing professionals - prohibition on liquidated damages - right to sue - penalties. In a contract between a supplemental health-care staffing agency (staffing agency) and a health-care worker or health-care facility for the placement of a licensed or certified nursing professional, the act prohibits the staffing agency from requiring payment for liquidated damages, employment fees, or other compensation (contract compensation) to the staffing agency if the health care facility hires the health-care worker as a permanent employee prior to or after the termination of the contract with the staffing agency; except that the prohibition does not apply to contract compensation attributable to and chargeable for a 30-calendar-day period commencing when the health-care worker is first placed at the health-care facility.

If a staffing agency unlawfully collects or attempts to collect contract compensation from a health-care worker or health-care facility, the health-care worker or health-care facility may bring a legal action for damages, a civil penalty not to exceed \$5,000 per violation, and injunctive relief. The prevailing party is entitled to reasonable attorney fees.

APPROVED by Governor May 1, 2023

EFFECTIVE May 1, 2023

H.B. 23-1057 Public building restrooms and diaper changing stations - all-gender amenities - appropriation. Effective January 1, 2024, the act requires each newly constructed building and each building with qualifying restroom renovations that is wholly or partly owned by a state department, state agency, state institution of higher education, county, city and county, or municipality (public entity) to:

- Provide a non-gendered restroom facility or a multi-stall non-gendered facility on each floor where restrooms are available in a newly constructed building and wherever a restroom is accessible to the public in a building in which a restroom is being renovated;
- Ensure that all single-stall restrooms are not gender specific restrooms;
- Allow for the use of multi-stall restrooms by any gender if certain facility features are met under the International Plumbing Code and the Colorado Fuel Gas Code;
- Provide at least one safe, sanitary, and convenient baby diaper changing station that is accessible to the public on each floor where there is a public restroom in a newly constructed building and wherever a restroom is accessible to the public in a building in which a restroom is being renovated, in each gender-specific restroom if only gender-specific restrooms are available, and in each non-gendered single-stall or multi-stall restroom or provide such a changing station in an easily accessible location with equivalent privacy and amenities as a restroom;
- Ensure that each baby diaper changing station is cleaned with the same frequency as the restroom in which it is located, or restrooms on the same floor or in the space if it is not within a restroom, and maintained, repaired, and replaced as necessary to ensure safety and ease of use.

Beginning July 1, 2024, but no later than July 1, 2026, a building that is wholly or partially owned or leased by a public entity must ensure that signage for the building or the portion of the building leased or owned by the public entity complies with the following signage requirements, subject to available appropriations:

- Include signage indicating the presence of a baby diaper changing station with a pictogram that is void of gender in all restrooms with baby diaper changing stations, include signage with a pictogram void of gender in all non-gendered restrooms, and include signage with a pictogram void of gender in all single-stalled restrooms; and
- Indicate in the central building directory, if such a directory exists, the location of any baby diaper changing station and of any non-gendered restroom with a pictogram void of gender.

The act requires the department of personnel to complete a survey that determines the number and locations of signs needed to comply with the act signage requirements and requires the survey be provided to the general assembly and the capital development committee. The requirements of the act pertaining to baby diaper changing stations and providing a non-gendered single-stall restroom or a non-gendered multi-stall restroom in specified locations do not apply:

- To the extent that compliance with a requirement would result in failure to comply with applicable building standards governing the right of access for individuals with disabilities;
- To a project that has already progressed through the design review process, budgeting, and final approval by the governing body that has final approval over capital construction project expenditures as of the effective date of the act, or to a building designated as a certified historic structure.

Beginning on July 1, 2025, the act requires a building that is wholly or partially owned by a public entity that is a newly constructed building that is accessible to employees or enrolled students, or a building undergoing a qualifying restroom renovation to:

- Provide a non-gendered single-stall restroom or a non-gendered multi-stall restroom;
- Ensure that any single-stall restroom is not a gender-specific restroom; and
- Allow for the use of a multi-stall restroom by any gender if certain facility features are met pursuant to the International Plumbing Code or the Colorado Fuel Gas Code as adopted by the state plumbing board.

The act clarifies that an employee with a designated workplace in a public building may undertake the complaint process for alleged discriminatory or unfair practices including the failure to comply with providing the required amenities to all genders, as required, with the Colorado civil rights division charged with the enforcement of the Colorado anti-discrimination act.

For the 2023-24 state fiscal year, \$450,000 is appropriated from the general fund to the department of personnel for use by the office of the state architect. To implement the act, the office may use \$400,000 for statewide planning services and \$50,000 for a restroom survey of state-owned buildings.

APPROVED by Governor May 24, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1074 Employment and training - workforce development - office of future of work - study of workforce transitions - report - appropriation. The act requires the office of future of work (office) to contract with a third party to study workforce transitions in Colorado's economy. The office will request proposals from private or public entities to bid on performing the study. The workforce transitions study (study) must:

- Evaluate the skill transferability of workers in the oil and gas industry and in occupations in Colorado that are facing the most disruption due to automation;
- Explore training availability, skills needed, and transition strategies; and
- Provide recommendations for programs and policies to prepare the workforce for these transitions.

On or before December 1, 2024, the office is required to submit a report of the study's research and findings to the governor and to specified legislative committees of reference. The office is also required to issue an update on the key findings of the study to the governor and specified legislative committees of reference by August 1, 2024.

For the 2023-24 state fiscal year, the act requires the general assembly to appropriate \$317,318 from the general fund to the department of labor and employment for use by the executive director's office.

APPROVED by Governor May 16, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1076 Workers' compensation - increased limit on medical impairment benefits - remove authority for employee to petition for certain devices - employee ability to request a hearing - independent medical examinations - administrative law judge interlocutory orders - contingency attorney fees - appropriation. Section 1 of the act increases the limit on medical impairment benefits based on mental impairment from 12 weeks to 36 weeks.

Section 2 removes language authorizing an employee to petition the division of workers' compensation in the department of labor and employment (division) for the replacement of any artificial member, glasses, hearing aid, brace, or other external prosthetic device, including dentures. The treating physician must deem such replacement necessary.

Section 3 allows an employee to request an expedited hearing when the employee's temporary total disability benefits end based on an attending physician's written release to return to regular employment.

Section 4 specifies that when a physician recommends medical benefits after maximum medical improvement, the benefits admitted by the insurer or self-insured employer are not limited to any specific medical treatment.

Current law requires an insurance carrier to provide an independent medical examiner and all other parties a complete copy of all medical records in its possession pertaining to an injury. Section 5 limits the medical records required to be provided to records relevant to the injury. Section 5 also specifies how the division is required to determine the amount and allocation of costs to be

paid by the parties for an independent medical examination.

Section 6 allows a prehearing administrative law judge to issue interlocutory orders resolving disputes regarding the content and format of the independent medical examiner's medical record packet, indigency status, and the allocation of independent medical examiner costs.

Current law states that, in an unappealed case, a contingent attorney fee exceeding 20% of the amount of contested benefits is presumed to be unreasonable. Section 7 increases the amount to 25%.

For the 2023-24 state fiscal year, \$731,640 is appropriated to the department of labor and employment from the from the workers' compensation cash fund for use by the division of workers' compensation in implementing the act.

APPROVED by Governor June 5, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1146 Cash gratuities - employee protections - exceptions. The act prohibits an employer engaged in a business from taking adverse action against an employee who accepts a cash gratuity offered by a patron of the business.

The act provides exceptions for:

- Employers regulated by the division of gaming in the department of revenue;
- Employees licensed, certified, or registered pursuant to the title governing professions and occupations and who are required to maintain such licensure, certification, or registration as a condition of employment with their employers;
- Employees working in a health-care facility regulated by the department of public health and environment;
- Employees working for the program of all-inclusive care for the elderly; and
- Employees providing housing and services to adults 60 years of age or older.

VETOED by Governor May 23, 2023

H.B. 23-1196 Youth employment - remedies for on-the-job injuries - workers' compensation - damages - required offset. The act amends the "Colorado Youth Employment Opportunity Act of 1971" (CYEOA) to allow aggrieved parties, including parents of children protected by the CYEOA, to pursue remedies at law and in equity for violations of the act, in addition to workers' compensation remedies, if:

- An injury occurs to a minor during a week when the employer intentionally required the minor to work hours in violation of those allowed by the CYEOA; or
- An injury occurs to a minor while the minor was engaging in work prohibited by the CYEOA.

The act clarifies that economic damages for claims in tort recovered by a party aggrieved by

a violation of the CYEOA against the employer of a minor pursuant to the act must be reduced by the amount of compensation and benefits that the minor or the minor's dependents received for the same harm through the employer's workers' compensation insurance.

APPROVED by Governor June 7, 2023

EFFECTIVE July 1, 2023

H.B. 23-1198 Department of labor and employment - teacher externship program - educations and professional credits - rules - repeal - appropriation. The act requires the department of labor and employment (department) to establish, on or before January 1, 2024, a teacher externship program to provide work-based learning opportunities for kindergarten through twelfth grade public school teachers (K-12 teachers) in order for the teachers to gain knowledge and expand their curriculum in the science, technology, engineering, and mathematics disciplines and other disciplines that may be of value to a particular school district.

The department is required to establish at least one externship model and develop consistency in offering the ability for teachers to apply for graduate credits, career and technical education credits, and professional development credits. The act requires the department to collaborate with the department of education to establish minimum standards for the work-based learning opportunities.

The department is authorized to allocate money directly to local education providers for teacher compensation and to work-based intermediaries, if applicable, to defray the costs of placing the teachers in externships with employers.

The act requires the department to compile and report data on the externship program on an annual basis. The director is authorized to accept gifts, grants, and donations for the purposes of providing compensation to teachers who participate in the program.

The executive director of the department may promulgate rules to implement the program. The program is scheduled to repeal on September 1, 2025.

For the 2023-24 state fiscal year, the act appropriates \$223,039 from the general fund to the department of labor and employment for use by the division of employment and training to implement the teacher externship program and authorizes the department to expend a portion of the 2023-24 state fiscal year appropriation that is not expended prior to July 1, 2024, in the 2024-25 state fiscal year for the same purpose.

APPROVED by Governor May 22, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1212 Office of future of work - two-year apprenticeship navigator pilot program - report - promotion of apprenticeship programs through web-based job board and career planning tools - rules - appropriation. The act directs the office of future of work (office) in the department of labor and employment (department) to create a two-year apprenticeship navigator pilot program (program) with 2 full-time apprenticeship navigators, with each apprenticeship navigator assigned to a different school district selected by the office. The purpose of the program is to increase awareness of registered apprenticeship programs among graduating high school students in the selected school districts.

Upon completion of the program, the act requires that the department issue a report detailing the direct and indirect costs of the operation and administration of the program to specified legislative committees of reference.

The act directs the office to promote apprenticeship programs to high school students by creating and maintaining a web-based job board of apprenticeships and incorporating apprenticeships in the state's career planning tools.

The department may promulgate rules for the administration of the program.

The program is repealed, effective January 1, 2027.

The act appropriates \$342,638 from the general fund to the department for use by the department's executive director's office for the 2023-24 state fiscal year. The act also appropriates \$44,000 to the department of education from the general fund for the 2023-24 state fiscal year.

APPROVED by Governor May 16, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

MILITARY AND VETERANS

S.B. 23-154 Veterans services - veterans one-stop center in Grand Junction - continuation under sunset law. The act implements the recommendations of the department of regulatory agencies' sunset review and report on the veterans one-stop center in Grand Junction (center) by:

- Continuing the center for 7 years, until September 1, 2030;
- Codifying that the name of the center is the "western region one source"; and
- Setting a December 31, 2023, deadline for the division of veterans affairs, in consultation with the center's advisory board, to develop procedures for evaluating the effectiveness of the center.

APPROVED by Governor April 28, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-236 Colorado national guard facilities - charges for charging of vehicles at - electric vehicle service equipment fund - appropriation. In order to allow the department of military and veterans affairs (department) to impose charges for the charging of electric vehicles using electric vehicle services equipment (equipment) provided by the department at Colorado National Guard facilities and to use the revenue to fund the ongoing operation of the equipment, the act:

- Creates the electric vehicle service equipment fund (fund);
- Requires all money received by the department from such charges to be credited to the fund;
- Authorizes the department to accept gifts, grants, and donations to be credited to the fund;
- Subject to annual appropriation, authorizes the department to expend money from the fund to defray the costs associated with operation of the equipment; and
- Appropriates \$50,000 from the fund to the department for state fiscal year 2023-24.

APPROVED by Governor April 17, 2023

EFFECTIVE April 17, 2023

H.B. 23-1045 Leave from employment for military service - public employee or officer - private employee - length of leave - use of paid leave. The act clarifies that a member of the Colorado National Guard or any other component of the military forces of the state who is an officer or employee of a public employer is entitled to a leave of absence from employment for training or active state military service for the equivalent of 3 weeks of work on the officer's or employee's regular work schedule each year. The officer or employee is entitled to use any paid leave available to the officer or employee or to use unpaid leave.

The act clarifies that a member of the Colorado National Guard or the reserve forces of the United States who is an employee of a private employer is entitled to a leave of absence from employment in order to receive military training with the United States armed forces for the equivalent of 3 weeks of work on the employee's regular work schedule each year. The employee is entitled to use any paid leave available to the employee or to use unpaid leave for the employee's period of absence for military training.

The act clarifies that a private employee is entitled to use any paid leave available to the

employee or to use unpaid leave in order to engage in active service in the Colorado National Guard.

The act repeals the requirement that a public employee or officer not be physically or mentally disabled in order to be reinstated to the employee or officer's public position following a leave of absence for active military service.

APPROVED by Governor March 10, 2023

EFFECTIVE March 10, 2023

H.B. 23-1052 Property tax exemption for veterans with a disability - eligibility of veterans with individual unemployability status. The state constitution allows a veteran who has a service-connected disability rated as a 100% permanent disability to claim a property tax exemption for a portion of the actual value of the veteran's owner-occupied primary residence. The 100% permanent disability requirement can only be changed through a constitutional amendment. If, at the 2024 general election, the voters of the state approve a constitutional amendment to expand eligibility for the exemption by allowing a veteran who has individual unemployability status, as determined by the United States department of veterans affairs, to claim the exemption, the act makes conforming statutory changes to reflect that expansion of the exemption.

The act also requires a veteran who has individual unemployability status to be treated equivalently to a veteran who has 100% permanent disability when determining eligibility for any state veterans benefit. Finally, to comply with an existing statutory requirement that "people first language" be used in new or amended statutes that refer to persons with disabilities, the act also changes the existing terms "disabled veteran" and "disabled veterans" to "veteran with a disability" and "veterans with a disability".

APPROVED by Governor April 28, 2023

EFFECTIVE January 1, 2025

NOTE: This act was passed without a safety clause. Section 11 of the act states that the act takes effect only if a constitutional amendment to section 3.5 (1.5) of article X of the state constitution that modifies the definition of "disabled veteran" by changing the term to "veteran with a disability" and including a veteran who has individual unemployability status as determined by the United States department of veterans affairs is approved by the people at the next general election and becomes law.

H.B. 23-1088 Veterans - mental health services program - appropriation. The act establishes the veterans mental health services program (program) in the division of veterans affairs (division) to facilitate access to mental health services for veterans who live in a veterans community living center. The act requires a veteran to attest that the veteran has exhausted the annual number of sessions with a mental health-care provider covered by the veteran's federal veterans administration benefits before using the program. The program reimburses mental health-care providers for 26 mental health-care sessions per year with an eligible veteran. The act requires the behavioral health administration to post on its website a list of providers who participate in the program.

The bill appropriates \$642,645 from the general fund to the department of military and veterans affairs for use by the division for the program.

APPROVED by Governor May 16, 2023

EFFECTIVE May 16, 2023

MOTOR VEHICLES AND TRAFFIC REGULATION

S.B. 23-12 Commercial vehicles - Colorado state patrol compliance reviews - penalties for failure to pay fines or to cooperate with compliance reviews - appropriation. The act changes the amount of civil penalties that may be levied on commercial motor carriers for failure to comply with rules for the safe operation of commercial vehicles by tying the amount of civil penalties to the amount of federal civil penalties for interstate commercial motor carriers.

If a motor carrier fails to pay civil penalties within 30 days or to cooperate with the completion of a safety compliance review within 30 days, the act authorizes the department of revenue to both enter the noncompliant motor carrier and its vehicles as out-of-service in the federal motor carrier safety administration system of record and cancel or deny registration to the noncompliant motor carrier.

For the 2023-24 state fiscal year, the act appropriates \$61,110 to the department of revenue from the DRIVES vehicle services account in the highway users tax fund to implement this act, of which \$8,910 is reappropriated to the office of the governor for use by the office of information technology to provide services to the department of revenue.

APPROVED by Governor May 12, 2023

PORTIONS EFFECTIVE August 7, 2023

PORTIONS EFFECTIVE April 30, 2024

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die; except that, section 42-4-235 (2)(d)(I)(B) and section 42-3-120 (3)(a)(II) take effect April 30, 2024.

S.B. 23-15 Vehicle value protection agreements - motor vehicle dealers - protections for value of vehicle - requirements for agreement terms and cancellation. A vehicle value protection agreement (agreement) is a contract that provides benefits when an owner of a vehicle replaces the vehicle at trade-in, when the vehicle is stolen, or after an adverse event that lowers the value of the vehicle. An agreement that complies with the act is not insurance and is not subject to regulation as insurance.

A person who provides an agreement (provider) is prohibited from conditioning the extension of credit, the terms of credit, or the terms of a vehicle sale or lease upon the purchase of an agreement. To be issued, an agreement must:

- Provide a benefit to the consumer upon the trade-in, total loss, or unrecovered theft of a covered vehicle;
- Identify the administrator or provider, the seller, the consumer, and the terms of the sale;
- Guarantee the provider's obligations by an insurance policy; and
- Notify the consumer of the agreement's terms, including cancellation terms.

To cancel an agreement, the provider must mail a notice to the consumer at least 5 days prior to cancellation. However, if the reason for the cancellation is nonpayment, a material misrepresentation, or a substantial breach of duties by the consumer, the cancellation takes effect immediately upon transmission of the notice of cancellation. If an agreement is canceled by the provider for a reason other than nonpayment of the provider fee, the provider is required to make a refund minus actual paid benefits, but the provider may charge a reasonable administrative fee of up to \$75.

The provider is required to guarantee the provider's obligations by an insurance policy, which must provide that:

- The insurer will pay all covered amounts if the provider fails to perform its obligations under the agreement; and
- The consumer may file a claim directly with the insurer for reimbursement.

APPROVED by Governor March 23, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-25 Registration - special license plates - appropriation. The act creates the "In God We Trust" license plate for motor vehicles. In addition to the normal fees for a license plate, a person must pay 2 additional one-time fees of \$25 for the issuance of the plate. One of these fees is credited to the highway users tax fund and the other fee is credited to the Colorado DRIVES vehicle services account.

To implement the act, \$31,212 is appropriated to the department of revenue for use by the division of motor vehicles. The appropriation consists of \$4,293 from the general fund and \$26,919 from the license plate cash fund.

APPROVED by Governor June 2, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-28 Commercial driver's license - penalties for offenses involving a commercial motor vehicle. In 2021, Senate Bill 21-271 adjusted misdemeanor penalties for a variety of offenses described in the Colorado Revised Statutes, including the penalty for certain offenses involving the operation of a commercial motor vehicle. This penalty was changed from a misdemeanor to a class A traffic infraction. However, despite making this change, Senate Bill 21-271 retained certain language that describes the punishment for the former misdemeanor offense.

The act clarifies that the penalty for the described offenses involving a commercial motor vehicle, including operating a commercial motor vehicle without a commercial driver's license, is \$100, to be accompanied by a \$15 surcharge.

APPROVED by Governor June 6, 2023

EFFECTIVE June 6, 2023

S.B. 23-49 Department of revenue - special mobile machinery - registration exempt certificate - qualifications - appropriation. The act changes the minimum amount of items of special mobile machinery required to be located in the state from 1000 items to 250 items in order for the owner of the special mobile machinery to be eligible for a registration exempt certificate issued by the department of revenue (department). An owner of special mobile machinery that is issued a registration exempt certificate shall pay all fees and surcharges that would otherwise be paid at the time of registration and any other fees and surcharges due for each item of special mobile machinery upon application, renewal, or within 20 days of the expiration of a registration exempt certificate. To ensure proper administration of registration exempt certificates and payment of the required fees and surcharges, an owner of special mobile machinery is also required to report information about

all its special mobile machinery located in the state to the department when applying for or renewing a registration exempt certificate or within 20 days of the expiration of a registration exempt certificate.

For the 2023-24 state fiscal year, \$113,476 is appropriated from the Colorado DRIVES vehicle services account in the highway users tax fund to the department for use by the division of motor vehicles to implement the act.

APPROVED by Governor June 2, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-145 Speciality license plates - stegosaurus state fossil license plate - appropriation. The act creates the stegosaurus state fossil license plate for motor vehicles. The department of revenue (department) must designate a nonprofit organization to qualify applicants for issuance of the license plate. The organization must provide educational services about the science and history of dinosaurs and support the stewardship and preservation of dinosaur fossils, tracks, and paleontology sites in Colorado.

An applicant qualifies for issuance of the license plate if the applicant makes a donation to the organization and pays all required taxes and fees. In addition to the standard motor vehicle fees, the applicant must pay 2 one-time fees of \$25 for issuance of the license plate. One fee is credited to the highway users tax fund and the other fee is credited to the licensing services cash fund.

To implement this act, \$39,151 is appropriated to the department for use by the division of motor vehicles. This appropriation consists of \$5,492 from the Colorado DRIVES vehicle services account in the highway users tax fund and \$33,659 from the license plate cash fund.

APPROVED by Governor May 22, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-200 Traffic law enforcement - automated vehicle identification systems - requirements for notice of violation - appeals - permissible locations - use, retention, and disposal of data. The act expands the methods by which the state, a county, a city and county, or a municipality (jurisdiction) may deliver a notice of violation when a traffic violation is detected through the use of an automated vehicle identification system (system) to include not just personal service, but also first-class mail and mail delivery services that are equivalent to or superior to first-class mail with respect to delivery speed, reliability, and price. The act changes the deadline by which a jurisdiction is required to issue and send by mail, personal service, or other delivery service a notice of violation when a traffic violation is detected through the use of a system from 90 days after the violation to:

- 30 days after the violation if the motor vehicle involved is registered in the state; or
- 60 days after the violation if the motor vehicle involved is registered outside of the state.

The act specifies the information required in a notice of violation and a civil penalty assessment notice. If the registered owner of the vehicle (owner) fails to request a hearing to dispute

the alleged violation or fails to pay the civil penalty in full by the deadline stated in the notice, the owner waives the right to contest the violation or amount of the penalty, and the jurisdiction is required to enter a final order of liability against the owner. Any appeal of a final order must be brought in the county court in the county where the alleged violation occurred or the municipal court in the municipality where the alleged violation occurred. The act also stipulates that a jurisdiction may not initiate or pursue a collection action against an owner unless the owner is personally served the notice of violation or the final order of liability.

The act requires a jurisdiction implementing a new system after July 1, 2023, to:

- Announce the implementation of the system through its website for at least 30 days prior to the use of the system; and
- Issue only warnings for traffic violations detected by the system for the first 30 days after the system is installed or deployed.

Current law prohibits a jurisdiction from enforcing a penalty for a violation that is detected using a system unless the violation occurred within a school zone; within a residential neighborhood; within a maintenance, construction, or repair zone; or along a street that borders a municipal park. The act expands this list to include an automated vehicle identification corridor (corridor). A county or municipality may designate all or a portion of a street as a corridor within which the county or municipality may locate a system to detect traffic violations under specified circumstances. Before a county or municipality creates a corridor, it must:

- Post a permanent sign in a conspicuous place not fewer than 300 feet before the beginning of the corridor and a permanent sign not fewer than 300 feet before each camera within the corridor thereafter or a temporary sign not fewer than 300 feet before any mobile camera;
- Illustrate, through data collected within the past 5 years, incidents of crashes, speeding, reckless driving, or community complaints on a street designated as a corridor; and
- Coordinate between the local jurisdiction, the department of transportation, and the Colorado state patrol.

If a municipality implements a corridor, it must publish a report on its website disclosing the number of citations and revenue generated by the corridor.

The act authorizes the state to locate a system on a highway that is a part of the federal interstate highway system but prohibits a county, a city and county, or a municipality from locating a system or creating a corridor on any highway that is a part of the federal interstate highway system.

The act prevents a jurisdiction from requiring an owner disclose the identity of a driver of the vehicle who is detected through the use of a system. However, the owner may be required to submit evidence that the owner was not the driver at the time of the alleged violation.

The act permits a jurisdiction to compensate a manufacturer or vendor of system equipment for the value of services provided, in addition to compensating for the value of the system equipment as permitted under current law.

The act imposes restrictions on when photographs may be taken by a system and on access to and use of photographs, video, and personally identifiable data created by systems and requires photographs and videos to be destroyed after a specified period, with certain exceptions.

The act states that the provisions of current law, as amended by the act, do not apply to the use of systems for the purpose of collecting tolls, fees, or civil penalties on toll highways.

APPROVED by Governor June 5, 2023

PORTIONS EFFECTIVE June 5, 2023
PORTIONS EFFECTIVE June 1, 2024

S.B. 23-212 Specialty license plates - military veterans - United States Navy Construction Battalion - Seabees - appropriation. The act creates the Seabees license plate. An applicant qualifies for issuance of the license plate if the applicant is an active or former member of a construction battalion of the United States Navy. The act exempts an applicant for the Seabees license plate from paying the additional fees associated with special license plates for one set of Seabees license plates.

To implement this act, \$8,684 is appropriated to the department of revenue for use by the division of motor vehicles. This appropriation consists of \$6,653 from the Colorado DRIVES vehicle services account in the highway users tax fund and \$2,031 from the license plate cash fund.

APPROVED by Governor June 5, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-251 Driver's license denial, cancellation, suspension, and revocation appeals - representation of department of revenue by attorney general - appropriation. The act changes the legal representative for the department of revenue (department) in driver's license and identification card denial, cancellation, suspension, and revocation appeals. Under existing law, upon request of the attorney general, a district attorney represents the department in such appeals. On and after 3 specified dates that are designated for 3 groups of judicial districts, the act requires the attorney general to represent the department in all such appeals. The attorney general may appear for such an appeal hearing by telephone, video teleconference, or any other court-authorized means of electronic participation.

For the 2023-24 state fiscal year, \$47,583 is appropriated from the general fund to the department and reappropriated to the department of law for legal services to be provided to the department in connection with the implementation of the act.

APPROVED by Governor June 5, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-257 Automobile theft prevention authority - grants for programs to support victims of automobile theft and technology enhancement - general fund transfer. The automobile theft prevention board (board) awards grants to eligible entities for programs for theft prevention, enforcement, prosecution, or offender rehabilitation. The act specifies that the board may also award grants for programs to support victims of automobile theft and technology enhancement.

Money in the auto theft prevention cash fund (fund) is annually appropriated to the department of public safety (department) to implement the automobile theft prevention grant program. The fund consists of gifts, grants, and donations and any money credited to the fund from

the collection of fees paid by certain automobile insurers to support the automobile theft prevention authority. The act specifies that the fund also consists of any money that the general assembly may appropriate or transfer to the fund.

The act requires the state treasurer to transfer \$5 million from the general fund to the fund on July 1, 2023, to be used for the following purposes:

- Implementing a statewide program to increase awareness of automobile theft;
- Implementing programs to support victims of automobile theft;
- Additional overtime for law enforcement agencies;
- Implementing a dedicated automobile theft prosecution program;
- Enhancing and upgrading the automobile theft tracking and reporting system; or
- Any other direct or indirect costs associated with the implementation of the automobile theft prevention grant program.

APPROVED by Governor June 2, 2023

EFFECTIVE June 2, 2023

H.B. 23-1014 Yield right-of way - roundabouts - large vehicles - penalty. The act requires a driver to yield the right-of-way to a driver of a truck, bus, emergency vehicle, or recreational vehicle that generally has a total length of more than 35 feet or a total width of more than 10 feet (large vehicle) when entering, exiting, or driving in the circulatory lanes in a roundabout. The act also requires that when 2 drivers of large vehicles enter, exit, or drive in the circulatory lanes in a roundabout at the same time, the driver on the right must yield the right-of-way to the driver on the left.

A person who fails to yield commits a class A traffic infraction and is subject to a fine of \$70 and an \$11 surcharge.

APPROVED by Governor March 23, 2023

EFFECTIVE October 1, 2023

NOTE: This act was passed without a safety clause.

H.B. 23-1123 Rights-of-way - stationary vehicles - move over when hazard lights are flashing. The act requires a motor vehicle driver to move to one lane apart from a stationary motor vehicle when the stationary motor vehicle has its hazard lights activated, 2 lanes move in the same direction, and the driver is able to move to the lane apart. If a driver cannot move to be one lane apart from the stationary motor vehicle, the driver must slow down and drive at a safe speed.

APPROVED by Governor March 17, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1147 Driver's licenses - driver education courses and examinations - funding - enterprise - vouchers. The act eliminates the current driver education requirements for a minor to be issued a driver's license and replaces it with the following requirements to be issued a drivers license, including a temporary driver's license:

- For minors who are under 18 years of age:
 - Complete a 30-hour driver education course approved by the department of

- revenue (department); and
- Receive at least 6 hours of behind-the-wheel driving training with a driving instructor or 12 hours of behind-the-wheel training with a parent, a legal guardian, or an alternate permit supervisor; and
- A minor who is 18 years of age or older and under 21 years of age must:
 - Have been issued a driver's license from another jurisdiction; or
 - Successfully complete a 4-hour prequalification driver awareness program approved by the department.

The department is prohibited from collecting a fee for a driving examination if the department did not administer the driving examination.

The act also prohibits a person who has been convicted of certain violent or sexual crimes from providing driving instruction to minors. A commercial driving school is prohibited from employing such a driving instructor. Each instructor employed by a commercial driving school must obtain a fingerprint-based criminal history record check to verify that the instructor has not committed a disqualifying crime.

The act creates and sets standards for a voucher program that is operated by an enterprise for the purpose of paying private driving schools for conducting driver education courses and examinations for people whose household income is less than 3 times the federal poverty limit. The enterprise is governed by a board that consists of 5 members:

- One member who represents the executive director of the department and who is the chair of the governing board;
- One member who has experience providing translation services or administering programs that assist individuals for whom English is not their native language;
- One member who represents a provider of a driver education course approved by the department;
- One member who has experience working with youth; and
- One member who represents rural areas.

The enterprise will promulgate policies to administer the voucher program, including:

- The form and manner to apply for a voucher;
- The method to demonstrate eligibility for a voucher; and
- The determination of the voucher amount.

An individual that receives a voucher must use the voucher to pay the cost to enroll in a driver education course.

Upon request and when reasonably possible, the enterprise is required to provide translation services for driving examinations.

To implement the act, a fee is established on applications for or issuance of an instruction permit or a driver's license.

VETOED by Governor May 16, 2023

H.B. 23-1217 Towing of vehicles - transportation legislation review committee analysis - legislative recommendations - vehicle of victim of crime towed. The act requires the transportation legislation review committee (committee) to analyze the issue of an owner of a motor vehicle that was nonconsensually towed because the vehicle was stolen or because the owner was the victim of a certain serious crime. The committee may take testimony and is required to make legislative recommendations to the general assembly on the issue.

APPROVED by Governor May 15, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1233 Electric vehicle charging - infrastructure - electrical and building codes - state electrical board - local government - landlords and tenants - common interest communities - parking - state agencies and disproportionately impacted communities - rules. Section 2 of the act requires the state electrical board (board) to adopt rules requiring compliance, starting March 1, 2024, with the provisions of the model electric ready and solar ready code that require multifamily buildings to comply with the electric vehicle (EV) power transfer infrastructure requirements. The board is precluded from adopting rules that prohibit the installation or use of EV charging stations unless the rules address a bona fide safety concern.

Sections 3 and 4 expand the prohibition against a landlord of rental property or a management association (association) of a common interest community from unreasonably prohibiting the installation of EV charging equipment in the leased premises or a unit in the common interest community (unit) to also apply to an assigned or a deeded parking space for the leased premises or unit, to parking spaces accessible to both the tenant or unit owner and other tenants or unit owners, and to commercial rental property. A landlord or association must also allow an EV or a plug-in hybrid vehicle to park on the premises.

Colorado law grants a local government the ability to regulate parking, and this regulation includes requiring that buildings meet minimum parking standards. Sections 5, 6, and 7 require a local government, when counting minimum parking spaces, to count:

- Any parking space that is served by an EV charging station as at least one standard automobile parking space; and
- Any van-accessible parking space that is wheelchair accessible and served by an EV charging station as at least 2 standard automobile parking spaces.

Sections 8 and 9 prohibit local governments from adopting an ordinance or a resolution that prohibits the installation or use of EV charging stations or restricts parking based on a vehicle being a plug-in hybrid vehicle or plug-in electric vehicle unless the ordinance or resolution addresses a bona fide safety concern. The decision is subject to judicial review.

Sections 10 and 11 give local governments that have electrical, elevator and escalator, and plumbing codes adopted by reference to state codes the option to not adopt certain energy efficiency codes when their electrical, elevator and escalator, and plumbing codes are automatically updated because the state has updated these codes.

Section 12 exempts, until 2030, EV charging systems from the levy and collection of property tax.

Federal law prohibits the construction of automotive service stations or other commercial establishments for serving motor vehicle users along interstate highway rights-of-way, including rest areas. Due to this prohibition, the state cannot construct EV charging systems along interstate highway rights-of-way, including rest areas, in the state. Section 13 specifies that, when the federal law no longer prohibits the construction of EV charging systems along interstate highway rights-of-way, the department of transportation may collaborate with public or private entities to develop projects for the construction of EV charging systems along interstate highway rights-of-way. In addition, the department of transportation may develop these types of projects along state highways.

Section 14 defines the phrase "disproportionately impacted community" for state government to include communities in which:

- The proportion of households that are below 200% of the federal poverty level is greater than 40%;
- The proportion of households that spend more than 30% of household income on housing is greater than 50%;
- The proportion of the population that identifies as people of color is greater than 40%;
- The proportion of the population that is linguistically isolated is greater than 20%;
- The population has a history of being subject to environmental racism perpetuated through redlining or through anti-indigenous, anti-immigrant, anti-Latino, or anti-Black laws, policies, or practices and that present-day demographic factors and data demonstrate that the community currently faces environmental health disparities;
- The community is identified by a statewide agency as being one where multiple factors, including socioeconomic stressors, vulnerable populations, disproportionate environmental burdens, vulnerability to environmental degradation or climate change, and lack of public participation, may act cumulatively to affect health and the environment and may contribute to persistent disparities;
- The community is a mobile home park; or
- The community is located on the Southern Ute or Ute Mountain Ute Indian reservation.

All statewide agencies are required to use the definition of disproportionately impacted community, but the agencies are given flexibility in applying the definition.

APPROVED by Governor May 23, 2023

EFFECTIVE May 23, 2023

H.B. 23-1265 Speciality license plate - Born to Be Wild license plate - funding for prevention and mitigation of conflicts with gray wolves - appropriation. The act creates the "Born to Be Wild" special license plates for certain motorcycles, passenger cars, trucks, or noncommercial or recreational motor vehicles. An applicant qualifies for the issuance of the special license plates if the applicant pays the following fees to the department:

- A one-time \$25 fee that is credited to the highway users tax fund;
- An annual \$50 fee that is credited to the wildlife cash fund in the division of parks and wildlife; and
- A one-time \$25 fee that is credited to the Colorado DRIVES vehicle services account.

The division of parks and wildlife is directed to use the money collected and credited to the wildlife cash fund for implementing nonlethal means of mitigating and preventing conflict with gray wolves and promoting the license plate.

To implement this act, \$99,642 is appropriated to the department of revenue for use by the division of motor vehicles. This appropriation consists of \$11,054 from the Colorado DRIVES vehicle services account in the highway users tax fund and \$88,588 from the license plate cash fund.

APPROVED by Governor May 20, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1267 Commercial motor vehicles - steep downhill grade zones - increased penalties - mountain highways commercial motor vehicle safety account - appropriation. The act allows the department of transportation (department) to establish steep downhill grade zones within the public highways of the state where the downhill grade is 5% or greater and where there are safety concerns related to commercial motor vehicle drivers exceeding the posted speed limits.

If the department establishes a steep downhill grade zone, the department must erect signs identifying the zone and notifying commercial motor vehicle drivers that increased fines are assessed for speeding in the zone. The act subjects a commercial motor vehicle driver who commits a speeding violation in a steep downhill grade zone to doubled fines and surcharges.

The act creates the mountain highways commercial motor vehicle safety account (account) within the highway users tax fund and requires the state treasurer to credit one-half of the amount of each doubled fine and surcharge to the account for the department to pay costs associated with the provision of educational outreach and public information about runaway truck events, the purchase and implementation of equipment for the purpose of reducing the frequency of runaway truck events, and the completion of studies of means by which the state may reduce the frequency of runaway truck events and improve overall commercial motor vehicle safety on state highways that pass through the state's mountains.

The act appropriates \$54,073 to the department of revenue from the Colorado DRIVES vehicle services account in the highway users tax fund for the 2023-24 state fiscal year. The act reappropriates \$7,425 of the appropriation to the office of the governor for use by the office of information technology to provide information technology services to the department of revenue.

APPROVED by Governor June 5, 2023

EFFECTIVE January 1, 2024

NOTE: This act was passed without a safety clause.

NATURAL RESOURCES

S.B. 23-59 State parks - access roads and routes - local government funding - rules - appropriation. The act requires the parks and wildlife commission (commission) to promulgate rules authorizing a local government to request that the division of parks and wildlife (division) charge an additional per vehicle fee, not to exceed \$2, for each daily vehicle pass issued for a state park or wildlife area in the local government's geographic boundary. Upon the request, the commission must establish the fee, which will be collected on and after January 1, 2025, and transferred, minus an administrative deduction, to the local access route cash fund created by the act and then distributed to local governments to maintain and operate local access routes. The fee will be adjusted every 5 years for inflation or deflation.

The division of parks and wildlife is required to collaborate with local governments to identify and study issues surrounding local access route transportation infrastructure and funding deficits and sources of funding for the routes. The division is given factors to consider and must seek input from the department of transportation and the department of local affairs before completing the study. Based on the study, the division must make legislative recommendations to the general assembly by November 1, 2024, regarding sources of funding or partnerships to assist in the maintenance of local access routes and state park services.

To implement this act, \$411,000 is appropriated to the department of natural resources for use by the division of parks and wildlife from the parks and outdoor recreation cash fund.

APPROVED by Governor May 19, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-69 Parks and wildlife - vessels - motorboats - age required to operate. Current law requires an operator of a motorboat in the state to be at least 16 years of age but allows an individual who is at least 14 years of age and who has completed a motorboat safety course to operate a motorboat in the state. The act increases this age requirement to require all individuals under 18 years of age to take a boating safety course and to have a certificate of completion from that course in the individual's possession or in an accessible place in order to operate a motorboat. The act provides an exception to the age requirement for the operation of motorboats on bodies of water located on private property.

APPROVED by Governor May 4, 2023

EFFECTIVE June 1, 2024

S.B. 23-139 Wildfire mitigation capacity development fund - appropriations to fund from severance tax operational fund. The act authorizes the general assembly to appropriate up to \$10 million from the severance tax operational fund (operational fund) to the wildfire mitigation capacity development fund (wildfire fund) for state fiscal year 2022-23 and makes a corresponding appropriation.

The act authorizes the general assembly to appropriate up to \$5 million from the operational fund to the wildfire fund for state fiscal year 2023-24 and for each state fiscal year thereafter. Such appropriations may be made only if less than 100% of the money available in the operational fund is used for current core programs.

APPROVED by Governor March 6, 2023

EFFECTIVE March 6, 2023

S.B. 23-186 Oil and natural gas - conservation and regulation - methane seepage in the Raton basin - study - report - appropriation. The act requires the Colorado oil and gas conservation commission (commission) and the water quality control division (division) in the department of public health and environment, in consultation with local governments, to perform a study that:

- Identifies best management practices for capturing methane seepage in the Raton basin;
- Evaluates the quality of water resulting from such methane capture operations; and
- Evaluates the potential to preserve and make beneficial use of such water.

The primary objectives of the study are to:

- Proactively and systematically locate and survey methane gas seepage in the Raton basin;
- Document previous areas of seepage;
- Calculate any differences in seepage amounts; and
- Assess the potential for methane to create hazardous conditions.

The study must include:

- A survey to identify suspected seepage areas, previous seepage areas, and increases or decreases in seepage;
- Detailed mapping of suspected seepage areas;
- Sampling and analysis of gas collected from selected seepage areas; and
- Sampling and analysis of water from selected water wells and methane capture wells in the Raton basin.

In performing the study, the commission and the division shall coordinate with:

- The Colorado energy office;
- The division of water resources in the department of natural resources;
- The division of mining, reclamation, and safety in the department of natural resources;
- The division of parks and wildlife created in the department of natural resources; and
- The boards of county commissioners in Las Animas and Huerfano counties.

The commission must complete the study and submit it to legislative committees of reference by June 30, 2025.

For the 2023-2024 state fiscal year, the act appropriates \$558,500 from the oil and gas conservation and environmental response fund to the department of natural resources, for use by the commission, and \$85,361 from the general fund to the department of public health and environment.

APPROVED by Governor June 2, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-255 Wildlife - nongame and endangered species - wolves - compensation to landowners for losses - rules - reports - transfer - appropriation. The act creates the wolf depredation compensation fund (fund) to compensate landowners and agricultural producers for wolf depredation of livestock

and working animals. For the 2023-24 state fiscal year, the state treasurer is directed to transfer \$175,000 from the general fund to the fund, and for each state fiscal year thereafter, the state treasurer is directed to transfer \$350,000 from the general fund to the fund. At the end of the 2023-24 and 2024-25 state fiscal years, any unencumbered balance in the fund that exceeds \$100,000 is used to implement the gray wolf restoration and management plan (plan). At the end of subsequent state fiscal years, any unencumbered balance in the fund that exceeds 120% of the amount spent from the fund in the previous state fiscal year is used to implement the plan.

The parks and wildlife commission may adopt rules establishing criteria for compensation, including criteria for indirect livestock loss. Each year, the director of the division of parks and wildlife will submit a report at the appropriate "SMART Act" hearing.

To implement the act, \$175,000 is appropriated from the fund to the department of natural resources for use by the division of parks and wildlife.

APPROVED by Governor May 23, 2023

EFFECTIVE May 23, 2023

S.B. 23-256 Wildlife - nongame and endangered species - gray wolf reintroduction - contingent on federal regulations. The act prohibits the reintroduction of gray wolves unless the United States secretary of the interior promulgates rules making the gray wolf population a nonessential experimental population, which gives the state greater flexibility to manage the wolves.

VETOED by Governor May 16, 2023

S.B. 23-267 Parks and wildlife - parks and wildlife commission - Chatfield state park - water quality fee - Chatfield watershed authority - rules. The act requires the parks and wildlife commission (commission) to promulgate rules on or before July 1, 2024, establishing:

- A process by which the Chatfield watershed authority (authority) may request that the commission create by rule a water quality fee (fee) to be collected by the division of parks and wildlife (division) from visitors to Chatfield state park;
- Criteria for approving a request for such a fee; and
- Criteria for determining which visitors to Chatfield state park should be required to pay the fee.

In promulgating the rules, the commission must ensure that the amount of the fee is rounded to the nearest dollar and does not exceed \$2. The commission must review the fee on January 1, 2030, and every 5 years thereafter, and after each such review, the commission may either eliminate the fee or adjust the amount of the fee to account for inflation or deflation. On and after July 1, 2024, the commission may establish the fee.

If the commission establishes the fee, the division must collect the fee on and after January 1, 2025. The division must transfer the total amount of money collected to the state treasurer, who must credit the money to the parks and outdoor recreation cash fund (fund); except that the division may retain up to 3.33% percent of the amount of money collected as fees to pay its administrative costs. Beginning July 1, 2025, and every 6 months thereafter, the division must pay to the authority from the fund the total amount of money collected as fees during the preceding 6 months.

If the commission establishes the fee, the commission:

- Must require the authority to expend up to 25% of the money received from the division on water quality projects within the boundaries of Chatfield state park; and
- May include additional requirements and restrictions concerning the expenditure by the authority of money received from the division on water quality projects inside the boundaries of Chatfield state park.

The authority is required to expend the money received from the division to support water quality projects, including projects that provide for the construction, operation, and maintenance of nonpoint source projects, water quality monitoring, and urban runoff and erosion management and control.

APPROVED by Governor June 6, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-270 Water rights and administration - stream restoration projects - no cause of material injury to vested water rights. The act states that the following projects within a natural stream system for certain restoration purposes (stream restoration project) do not cause material injury to a vested water right and are not an unnecessary dam or other obstruction:

- A stream restoration project that is limited to certain minor restoration activities; and
- A stream restoration project that has obtained any applicable permits or is under construction or completed by August 1, 2023.

The act prohibits the owner or proponent of a stream restoration project from installing the stream restoration project in a manner that adversely affects water diversion or measurement structures without the permission of the owners of the structures.

APPROVED by Governor June 5, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-275 Wildlife - wild horse project - population and range management - appropriation. The act authorizes the department of agriculture (department) to create the Colorado wild horse management project (wild horse project) as a nonprofit, state-owned corporate entity that manages and operates programs benefitting wild horses and supports wild horse management. The director of the wild horse project will be selected by a committee of the governor, the commissioner of agriculture, the executive director of the department of natural resources, the majority leader of the house of representatives, and the minority leader of the senate. The wild horse project has the same powers as a nonprofit corporate entity. Until December 31, 2027, the department must annually report on the project to the governor, the joint budget committee, and the appropriate joint legislative committee at the department's "SMART Act" hearings.

The wild horse project may seek federal payment, gifts, grants, and donations for wild horse management support activities. On the effective date of the act, the state treasurer is required to transfer \$1.5 million from the general fund to the wild horse project fund, which is created for use by the wild horse project and, until the project is created, the department. The money is continually

appropriated for the purposes of the act.

The wild horse project must establish a working group to identify and pursue long-term solutions for wild horses that are removed from federal horse management areas or held in federal facilities and make recommendations to the governor and the general assembly. The working group will have representation from the executive branch, the legislative branch, nonprofit organizations, businesses, the western slope, and the ranching community. The Colorado state director of the federal bureau of land management (bureau), the Southern Ute Tribe, and the Ute Mountain Ute Tribe may appoint representatives to the working group.

The wild horse project must oversee the wild horse stewardship program, created to help manage range health and infrastructure, and the wild horse fertility control program, created to manage the wild horse herd population by collaborating, coordinating, and training people and entities to manage wild horse populations.

The department must support the wild horse project through grants and contracts to assist with managing wild horse populations using fertility control methods, subject to approval by the bureau, until the wild horse project is created and commences its own program to manage wild horse populations. The department must also coordinate with certain interested parties.

To implement the act, \$1,654 is appropriated from the general fund to the legislative department for use by the general assembly, and \$21,148 is appropriated from the legal services cash fund to the department of law.

APPROVED by Governor May 20, 2023

EFFECTIVE May 20, 2023

S.B. 23-285 Energy and carbon management regulation - change of agency and cash fund name - property rights to geothermal resources - authority to regulate the permitting of geothermal resource operations - authority to regulate underground natural gas storage facilities - studies - rules - appropriation. Effective July 1, 2023, the act changes the name of the oil and gas conservation commission to the energy and carbon management commission (commission) and expands the commission's regulatory authority to include the authority to regulate a broader scope of energy and carbon management areas beyond oil and gas. The act also changes the name of the oil and gas conservation and environmental response fund to the energy and carbon management cash fund (fund) and allows the fund to also be used by the commission for the purposes of administering the expanded regulatory areas.

Section 3 of the act requires the commission to create and maintain a website that serves as the state portal for information and data regarding the commission's regulatory activities.

Current law states that the property right to the natural heat of the earth (geothermal resource) that lacks sufficient fluid associated with the geothermal resource (geothermal fluid) to transport commercial amounts of energy to the surface is an incident of ownership of the overlying surface unless expressly severed. Section 7 states that, as to property rights acquired on or after July 1, 2023, the property right to a geothermal resource associated with nontributary groundwater (allocated geothermal resource) is also an incident of ownership of the overlying surface unless expressly severed.

Current law requires the operator of a well, prior to constructing the well to explore for or

produce geothermal resources, to obtain a permit from the state engineer. Section 8 bifurcates regulation of different types of geothermal operations between the commission and the state engineer. Specifically, the commission is granted the exclusive authority to regulate operations (deep geothermal operations) for the exploration for or production of:

- An allocated geothermal resource; or
- A geothermal resource that is deeper than 2,500 feet below the surface.

The state engineer retains the exclusive authority to regulate operations that are not deep geothermal operations (shallow geothermal operations).

Prior to obtaining a permit from the commission to construct a well for deep geothermal operations, the applicant must provide evidence of any applicable siting application to the local government with jurisdiction over the deep geothermal operations, including the disposition of the application, unless the local government does not regulate the siting of such operations. Upon request by a local government, the commission is also required to provide technical support to the local government concerning implementation of the commission's rules regarding deep geothermal operations.

The commission and the state engineer may each adopt rules for the assessment of fees for the processing and granting of a permit to construct a well for deep geothermal operations or shallow geothermal operations, as applicable. Any fees collected by the commission will be deposited by the state treasurer into the fund.

Current law requires the operator of a well, prior to the production of geothermal fluid from the well, to obtain a permit from the state engineer. Section 9:

- Bifurcates the issuance of different types of use permits by the state engineer between permits for the use of geothermal resources that are not allocated resources and permits for the use of allocated geothermal resources (collectively, use permits); and
- Requires the state engineer to only issue a use permit for allocated geothermal resources after a determination that any associated geothermal fluid is nontributary groundwater (nontributary determination).

Section 9 also allows the state engineer to adopt rules for the administration of use permits and the issuance of nontributary determinations.

Current law allows the state engineer to adopt procedures that establish geothermal management districts for the management of geothermal operations within the district. Section 10 limits the scope of geothermal management districts to distributed geothermal resources. The state engineer is also required to notify the commission of any application for a geothermal management district that is anticipated to affect deep geothermal operations.

Section 11 allows the commission to adopt procedures by rule to establish geothermal resource units for allocated geothermal resources.

Section 13 grants the commission the exclusive authority to regulate any intrastate facility that stores natural gas in an underground facility not subject to regulation by the public utilities commission (UNGS facility). If the commission submits a certification to, or enters into an agreement with, the federal secretary of transportation pursuant to applicable federal law, any rules regulating UNGS facilities must be at least as stringent as the applicable federal requirements.

If a UNGS facility is proposed to be sited in an area that would affect a disproportionately impacted community, the commission must evaluate and address impacts from the UNGS facility. The commission may assess and collect fees from operators of UNGS facilities in an amount and frequency determined by the commission by rule. Any fees collected will be deposited into the fund. Before commencing construction of a new UNGS facility, the operator of the facility must provide evidence of any applicable siting application to a local government with jurisdiction over the UNGS facility, if applicable, and the disposition of the application.

The act directs the commission to conduct and report to the general assembly during the 2025 legislative session the findings of the following studies:

- A technical study of the state's geothermal resources (section 11);
- A study, in collaboration with the state engineer, that evaluates the state regulatory structure for geothermal resources and whether any changes to law or rules are necessary (section 11);
- A study concerning the regulation and permitting of underground hydrogen operations (section 19); and
- A study, in coordination with the public utilities commission, examining the siting and regulation of intrastate pipelines (section 19).

For the 2023-24 state fiscal year, section 43 appropriates \$1,200,480 from the fund to the department of natural resources (department) to be used as follows:

- \$1,108,857 for use by the commission for program costs;
- \$7,031, which amount is reappropriated for use by the division of water resources in the department for water administration related to division operations; and
- \$84,592, which amount is reappropriated to the department of law to provide legal services for the department.

APPROVED by Governor May 22, 2023

EFFECTIVE July 1, 2023

H.B. 23-1036 Wildlife - hunting - nontoxic bullet pilot program - appropriation. The act creates the nontoxic bullet pilot program (pilot program), which allows individuals who meet the qualifications to receive vouchers that offset the cost of purchasing hunting rounds that have nonlead bullets. The pilot program will focus on areas where the exposure of wildlife populations to spent lead bullets is of special or potential concern. The division of parks and wildlife (division) will work with one or more willing nongovernmental entities to determine the scope and collect the results of the pilot program. The division may work with nongovernmental entities to develop educational materials and range demonstrations relating to the pilot program.

The division is directed to designate an entity to:

- Educate hunters about the benefits of nontoxic bullets; and
- Publicize the pilot program, including using hunting brochures and the division's website.

The commission may promulgate rules as necessary to implement the pilot program. The pilot program is repealed, effective July 1, 2026.

For the 2023-24 state fiscal year, \$31,200 is appropriated to the department of natural resources from the wildlife cash fund to implement this act.

APPROVED by Governor May 19, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1060 Colorado state forest service - upgrades and improvements to seedling tree nursery - repeal - appropriation. The act requires the Colorado state forest service to make certain upgrades and improvements to its seedling tree nursery in order to expand its capacity and its ability to contribute to reforestation efforts in the state. The act extends the applicable repeal date to January 1, 2026.

House Bill 22-1323, concerning updates to the Colorado state forest service seedling tree nursery, appropriated \$5,000,000 for the 2022-23 state fiscal year to the department of higher education for use by the board of governors of the Colorado state university system, and the act further appropriates the unexpended amount through the 2024-25 state fiscal year.

For the 2023-24 state fiscal year, the act appropriates \$5,382,500 from the general fund to the department of higher education for use by the board of governors of the Colorado state university system for the Colorado state forest service seedling tree nursery. The act requires that any unexpended money appropriated pursuant to the act remain available for expenditure through the 2024-25 state fiscal year.

APPROVED by Governor May 15, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1069 Biochar in oil and gas well plugging working advisory group - study by Colorado state university - recommendations for the development of a pilot program - report - appropriation. The act creates the biochar in oil and gas well plugging working advisory group (work group) in the oil and gas conservation commission (commission).

The act also requires Colorado state university (university) to conduct various studies and laboratory work on the use of biochar in the plugging of oil and gas wells and, no later than June 1, 2024, report the results of the studies and laboratory work to the work group. If, based on the report, the work group determines that a pilot program to study the use of biochar in the plugging of oil and gas wells would have a positive impact on the state, the work group must direct the university to make recommendations regarding the development of a pilot program.

No later than December 1, 2024, the university must submit a draft report of its recommendations to the work group. No later than December 15, 2024, the university shall, in consultation with the work group, create a final report and submit the final report to the director of the commission.

For the 2023-24 state fiscal year, the act appropriates \$370,140 from the oil and gas conservation and environmental response fund (fund) to the department of higher education for use by the board of governors of the university for the work group.

For the 2023-24 state fiscal year, the act appropriates \$5,600 from the fund to the department of natural resources for use by the commission for program costs related to the act.

APPROVED by Governor May 18, 2023

EFFECTIVE May 18, 2023

H.B. 23-1242 Oil and gas operations - use of water - operator reporting - Colorado oil and gas conservation commission - cumulative impacts analysis - rules - Colorado produced water consortium - recommendations - subject to sunset review - appropriations. The act requires an oil and gas operator in the state (operator), on or before September 1, 2023, on a monthly basis, with respect to each oil and gas well, and on or before January 1, 2024, and quarterly thereafter, with respect to the operator's oil and gas operations generally, to report information to the Colorado oil and gas conservation commission (commission) regarding the operator's use of water entering, utilized at, or exiting each of the operator's wells or oil and gas locations, including information on the recycling and reuse of produced water.

The act also requires the commission to adopt rules, on or before December 31, 2024, requiring a statewide reduction in usage of fresh water and a corresponding increase in usage of recycled or reused water in oil and gas operations.

From the information reported to the commission under the act, the commission is required to:

- Include the information as part of the commission's annual reporting on cumulative impacts of oil and gas operations; and
- Report to the legislative energy committees a summary of the reported information on or before April 1, 2025.

The act creates the Colorado produced water consortium in the department of natural resources (department) to make recommendations to state agencies and the general assembly regarding the recycling and reuse of produced water, develop guidance documents to promote best practices for in-field recycling and reuse of produced water, and analyze and report on:

- Existing produced water infrastructure, storage, and treatment facilities;
- The volume of produced water in different oil and gas basins available for recycling and reuse; and
- Additional infrastructure, storage, and technology needed to achieve different levels of recycling and reuse of produced water throughout the state.

Annually starting in 2024, the consortium is required to update the legislative energy committees on the consortium's work, and the executive director of the department is required to report on the consortium's recommendations as part of the department's annual "SMART Act" presentation to a joint committee of the general assembly.

The act repeals the consortium on September 1, 2030, subject to a sunset review by the department of regulatory agencies.

The act appropriates:

- \$464,512 from the oil and gas conservation and environmental response fund to the department of natural resources for use by the commission for program costs; and

- \$30,169 from the perfluoroalkyl and polyfluoroalkyl substances cash fund to the department of public health and environment for use by the water quality control division for personal services related to the drinking water program.

APPROVED by Governor June 7, 2023

EFFECTIVE June 7, 2023

PROBATE, TRUSTS, AND FIDUCIARIES

S.B. 23-100 Disposition of property - community property - death of a spouse. The act repeals and reenacts the "Uniform Community Property Disposition at Death Act."

The act applies to community property acquired by spouses while domiciled in a community property jurisdiction and makes clear that if the spouses partition or reclassify their community property or waive rights under the act, the act no longer applies to that property.

The act creates a rebuttable presumption that all property acquired by spouses when domiciled in a jurisdiction where community property could be acquired is presumed to be community property.

The act provides that upon the death of one community property spouse, half of the property the spouses purchased together belongs to the decedent and the other half to the surviving community property spouse.

The act allows a court to recognize reimbursement rights and rights of redress in response to certain bad faith actions by one community property spouse that might impair the rights of the other community property spouse.

APPROVED by Governor March 23, 2023

EFFECTIVE July 1, 2023

PROFESSIONS AND OCCUPATIONS

S.B. 23-77 Real estate - brokerage relationships - broker engagement contracts - prohibited terms. The act states that, with certain exceptions, a broker engagement contract for the sale of a residential premises must not:

- Purport to be a covenant running with the land or to be binding on future owners of interests in the real property;
- Allow for assignment of the right to provide service without notice and agreement of the owner of the residential premises; or
- Purport to create a recordable lien, encumbrance, or other real property security interest. Any such lien, encumbrance, or other real property security interest is void and unenforceable.

The act defines a "broker engagement contract" as a written contract in which a seller, buyer, landlord, or tenant of a residential premises becomes the client of a broker or agrees to retain the services of a broker in the future and promises to pay the broker a valuable consideration or agrees that the broker may receive a valuable consideration from another person in exchange for the broker producing a seller, buyer, tenant, or landlord ready, able, and willing to sell, buy, or rent the residential premises or for performing other services.

A person that offers to a consumer a broker engagement contract that includes a prohibited provision commits an unfair or deceptive trade practice.

APPROVED by Governor April 3, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-83 Physician assistants - collaborative agreements - requirements - exceptions. The act modifies the relationship between a physician assistant and a physician or podiatrist by removing the requirement that a physician assistant be supervised by a physician or podiatrist except in certain circumstances. Instead, a physician assistant must enter into a collaborative agreement with a physician or podiatrist or physician group. The physician or podiatrist must be licensed in good standing in Colorado and be actively practicing with a regular and reliable physical presence in the state.

The collaborative agreement must include:

- The physician assistant's name, license number, and primary location of practice;
- The signature of the physician assistant and the physician or physician group with whom the physician assistant has entered into the collaborative agreement;
- A description of the physician assistant's process for collaboration;
- A description of the performance evaluation process, which may be completed by the physician assistant's employer in accordance with a performance evaluation and review process established by the employer; and
- Any additional requirements specific to the physician assistant's practice required by the physician or physician group entering into the collaborative agreement, including additional levels of oversight, limitations on autonomous judgment, and the designation of a primary contact for collaboration.

For a physician assistant with fewer than 5,000 practice hours, or a physician assistant changing practice areas with fewer than 3,000 practice hours in the new practice area, the collaborative agreement is a supervisory agreement that must include required elements and must also:

- Require that collaboration during the first 160 practice hours be completed in person or through technology, as permitted by the physician or physician group with whom the physician assistant is collaborating;
- Incorporate elements defining the expected nature of collaboration; and
- Require a performance evaluation and discussion of the performance evaluation with the physician assistant.

For a physician assistant entering into a collaborative agreement with a physician or physician group in the emergency department of a hospital with a level I or level II trauma center, the collaborative agreement remains a supervisory agreement and continues indefinitely.

For a physician assistant changing practice areas to practice in an emergency department of a hospital that is not a level I or level II trauma center, the supervising physician or physician group may increase the number of hours for which the collaborative agreement is a supervisory agreement.

The act also eliminates the 3-year time limit for physician assistants to satisfy certain financial responsibility requirements from which such physician assistants are exempt under current law.

APPROVED by Governor April 26, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-144 Health insurance - prescription drugs for treatment of chronic pain - criteria - pharmacy, carrier, and health-care provider policies - discipline. The act allows a health-care provider to prescribe, dispense, or administer a schedule II, III, IV, or V controlled substance (drug) to a patient in the course of treatment for a diagnosed condition that causes chronic pain. The act also clarifies that the prescribing health-care provider is not subject to disciplinary action by the appropriate regulator for prescribing a dosage of a drug that is equal to or more than a morphine milligram equivalent dosage recommendation or threshold specified in state or federal opioid prescribing guidelines or policies.

The act prevents a health-care provider from being required to taper a patient's medication dosage solely to meet a predetermined dosage recommendation or threshold if the patient is stable, compliant with treatment, and not experiencing serious harm.

The act also prohibits a pharmacy, health insurance carrier, or pharmacy benefit manager from having a policy in place that requires a pharmacist to refuse to fill a prescription for an opiate issued by a health-care provider solely because the prescription is for an opiate or because the prescription order exceeds a predetermined morphine milligram equivalent dosage recommendation or threshold.

The act also prohibits a health-care practice or clinic from having a policy in place that requires a health-care provider to refuse to prescribe, administer, or dispense a prescription for an

opiate solely because the prescription order exceeds a predetermined morphine milligram equivalent dosage recommendation or threshold.

APPROVED by Governor May 4, 2023

EFFECTIVE May 4, 2023

S.B. 23-155 Nursing home administrators - failing to respond to a complaint - letters of admonition - required adult protective services data system check - continuation under sunset law. The act implements the recommendations of the department of regulatory agencies in its 2022 sunset report by:

- Extending the regulation of nursing home administrators 5 years, to September 2028;
- Authorizing the board of examiners of nursing home administrators to discipline a licensee for failing to respond to a complaint; and
- Removing the requirement that a letter of admonition to a licensee be sent through certified mail.

Beginning January 1, 2024, the act also requires nursing home administrators to submit to a check in the department of human services adult protective services data system to determine if the person is substantiated in a case of mistreatment of an at-risk adult.

APPROVED by Governor June 2, 2023

PORTIONS EFFECTIVE June 2, 2023
PORTIONS EFFECTIVE January 1, 2024

S.B. 23-162 Pharmacy technician practice - duties - supervision ratio - central fill pharmacies - pharmacy reimbursement for dispensing and administering vaccines to children. The act:

- Amends the practice of a pharmacy technician to include performing point-of-care testing and patient care technical tasks as specifically trained for and delegated by a supervising pharmacist;
- Requires the majority of pharmacy technicians to be fully certified by the state board of pharmacy when 3 or more pharmacy technicians are on duty; and
- Changes the supervision ratio for pharmacists to include supervising up to 8, rather than only 6, pharmacy technicians when the pharmacy, other than a pharmacy located in a hospital, is a central fill pharmacy that is not a public-facing pharmacy and is acting as an agent of an originating pharmacy to fill or refill a prescription.

The act authorizes reimbursement under the medical assistance program for dispensing or administering vaccines to children under 19 years of age. To be eligible to receive reimbursement, the pharmacy or pharmacist must be enrolled in good standing with the federal centers for disease control and prevention vaccines for children program administered by the department of public health and environment (department). Until the department determines a framework for participation by pharmacies or pharmacists, the department is not required to enroll pharmacies receiving reimbursement for the administration of vaccines through the medical assistance program as vaccines for children providers.

APPROVED by Governor May 4, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-167 Certified midwives - regulation by state board of nursing - appropriation. Starting July 1, 2024, the act authorizes individuals who have a midwife certification from the American Midwifery Certification Board, pay the required fee, and submit to a criminal history record check to obtain a license from the state board of nursing (board) to practice as a certified midwife in the state. A certified midwife licensed by the board may apply for and obtain provisional and full prescriptive authority upon satisfying the requirements specified in the act. Certified midwives are subject to regulation by the board to the same extent that the board regulates the practice of nursing, including grounds for discipline and disciplinary actions. Effective July 1, 2024, the act adds a member to the state board of nursing who is a certified midwife or an advanced practice registered nurse who is a certified nurse midwife.

The act appropriates \$15,393 from the general fund to the department of public health and environment for use by the health facilities and emergency medical services division for administration and operations necessitated by the act.

APPROVED by Governor May 25, 2023

PORTIONS EFFECTIVE May 25, 2023
PORTIONS EFFECTIVE July 1, 2024

NOTE: Section 69 of the act states that the act takes effect upon passage; except that, section 12-255-105, Colorado Revised Statutes, as amended in section 3 of the act, takes effect July 1, 2024.

S.B. 23-190 Deceptive trade practices - false advertising - abortion and emergency contraception - professional discipline - medication abortion reversal - rules. The act makes it a deceptive trade practice for a person to make or disseminate to the public any advertisement that indicates that the person provides abortions, emergency contraceptives, or referrals for abortions or emergency contraceptives when the person knows or reasonably should have known that the person does not provide those specific services.

A health-care provider engages in unprofessional conduct or is subject to discipline in this state if the health-care provider provides, prescribes, administers, or attempts medication abortion reversal in this state, unless the Colorado medical board, the state board of pharmacy, and the state board of nursing, in consultation with each other, each have in effect rules finding that it is a generally accepted standard of practice to engage in medication abortion reversal. The specified boards shall promulgate applicable rules no later than October 1, 2023, in consultation with each other, concerning whether engaging in medication abortion reversal is a generally accepted standard of practice.

APPROVED by Governor April 14, 2023

EFFECTIVE April 14, 2023

S.B. 23-265 Professional licensure, certification, and registration - protection from disciplinary action - conduct related to marijuana. The act protects an individual applying for licensure, certification, or registration in a profession or occupation in Colorado (applicant), as well as a professional who is currently licensed, certified, or registered in a profession or occupation in Colorado (licensee), from having the license, certification, or registration denied to the applicant, or from discipline being imposed against the licensee, based solely on:

- A civil or criminal judgment against the applicant or licensee regarding the consumption, possession, cultivation, or processing of marijuana, if the underlying actions were lawful and consistent with professional conduct and standards of care

- within Colorado and did not otherwise violate Colorado law; or
- Previous professional disciplinary action concerning an applicant's or a licensee's professional licensure in this or any other state or United States territory, if the professional disciplinary action was based solely on the applicant's or licensee's consumption, possession, cultivation, or processing of marijuana and the applicant or licensee did not otherwise violate Colorado law.

APPROVED by Governor May 24, 2023

EFFECTIVE May 24, 2023

H.B. 23-1071 Licensed psychologists - state board of psychologist examiners - authority to prescribe psychotropic medications - prescription certificate requirements - complaints - collection of information for sunset reviews - rules. The act requires 1 of the 7 members of the state board of psychologist examiners (board) to be a prescribing psychologist.

The act allows a licensed psychologist to prescribe and administer psychotropic medications if the licensed psychologist holds a prescription certificate issued by the board.

A licensed psychologist may apply to the board for a prescription certificate and must include in the application satisfactory evidence that the applicant:

- Has completed a doctoral program in psychology;
- Has completed a master of science in a clinical psychopharmacological program with specified areas of core instruction;
- Has passed the psychopharmacology examination for psychologists;
- Has completed a supervised and relevant clinical experience approved by the board;
- Has successfully undergone a process of independent peer review; and
- Maintains the required malpractice insurance.

A licensed psychologist with a prescription certificate (prescribing psychologist) is authorized to prescribe and administer psychotropic medications if the prescribing psychologist:

- Maintains the required malpractice insurance;
- Completes at least 40 hours of continuing education every 2 years; and
- Maintains a collaborative relationship with the health-care provider who oversees the client's general medical care.

The board is authorized to promulgate rules to:

- Implement procedures for obtaining a prescription certificate; and
- Establish grounds for denial, suspension, and revocation of the certificates.

The Colorado medical board is required to review complaints regarding violations of the act and make recommendations to the board regarding disciplinary action.

The act requires a prescribing psychologist to disclose to each patient that the psychologist is not a licensed physician.

The act requires a prescribing psychologist to file with the board all individual federal drug enforcement administration registrations and numbers. The board and the Colorado medical board are required to maintain current records of every psychologist with prescriptive authority, including

registrations and numbers.

The department of regulatory agencies (department) is required to annually collect information regarding prescribing psychologists, to compile the information, and to share the information with the office in the department responsible for conducting sunset reviews for inclusion in each scheduled sunset review concerning the regulation of mental health professionals.

APPROVED by Governor March 3, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1134 Real estate - home warranty service contracts - contract requirements - replacement of gas-fueled appliances with electric appliances. The act requires every home warranty service contract issued or renewed in Colorado on or after July 1, 2024, that provides coverage for the replacement of any of certain gas-fueled appliances to include terms:

- Allowing the homeowner the option to replace the gas-fueled appliance with a similar device of the homeowner's choosing that operates on electricity rather than gas; and
- Providing that the home warranty service company is required to provide a replacement appliance that satisfies statutory efficiency requirements.

A home warranty service contract may require a homeowner to pay any additional cost to replace a gas-fueled appliance with an appliance that has a cost that exceeds the cost of replacing the gas-fueled appliance with another gas-fueled appliance under the terms of the home warranty service contract, but any additional cost to the homeowner, excluding any installation or other associated costs, must not exceed the retail cost of the replacement electric appliance minus the retail cost of a replacement gas-fueled appliance.

In the case of replacement of a gas-fueled furnace, HVAC system, boiler, or water heater, a home warranty service contract must include terms that allow the homeowner to replace the furnace, HVAC system, boiler, or water heater with a heat pump-based system.

In the case of replacement of a gas-fueled stove, a home warranty service contract must include terms that allow the homeowner to replace the gas-fueled stove with either an electric stove or an induction stove, at the homeowner's discretion.

APPROVED by Governor March 31, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1195 Pharmacies - prescription drugs - automated pharmacy dispensing system. The act authorizes a prescription drug outlet (outlet) to operate an automated pharmacy dispensing system (system) for the purpose of dispensing prescription medications, other than controlled substances, to patients.

The act requires an outlet dispensing prescription drugs through a system to:

- Register the system with the state board of pharmacy (board);

- Require a pharmacist to perform all clinical services as part of the dispensing process;
- Ensure that the system clearly displays the system's registration number and contact information;
- Locate each system at the same location as the outlet unless other criteria is met;
- Ensure confidentiality of health information; and
- Ensure that the system is accessible to persons with disabilities.

An outlet may operate a system in the same or different location than the outlet if it is:

- Under the supervision and control of the outlet;
- Installed in a place and manner where it cannot be removed or accessed without authorization; and
- Located in a secure location.

The act also requires each outlet operating a system:

- To develop, implement, and maintain written policies and procedures to ensure the proper, safe, and secure functioning of the system;
- Inside the premises of a retail business to only operate during the hours that the outlet is closed; and
- To make all transaction information readily available for review and inspection by the board.

APPROVED by Governor May 1, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1250 Office of the attorney general - regulation of architects. Current law states that the attorney general has concurrent jurisdiction with the relevant district attorney over regulation of land surveyors. The act makes a correction to the law by changing the relevant part of statute to refer to the regulation of architects.

APPROVED by Governor June 7, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

PROPERTY

S.B. 23-178 Real property - common interest communities - prohibitions contrary to public policy - restrictions on unit owners' use of xeriscape, nonvegetative turf grass, and nonvegetative landscapes - restrictions and prohibitions on unit owner associations. Under current law, a unit owners' association (association) of a common interest community may not prohibit the use of xeriscape, nonvegetative turf grass, or drought-tolerant vegetative landscapes to provide ground covering to property for which a unit owner is responsible. There is, however, an exception authorizing an association to adopt and enforce design or aesthetic guidelines or rules that apply to nonvegetative turf grass and drought-tolerant vegetative landscapes or to regulate the type, number, and placement of drought-tolerant plantings and hardscapes that may be installed on a unit owner's property, on a limited common element, or on other property for which the unit owner is responsible.

The act states that an association's guidelines or rules must:

- Not prohibit the use of nonvegetative turf grass in the backyard of a unit owner's property;
- Not unreasonably require the use of hardscape on more than 20% of the landscaping area of a unit owner's property;
- Allow a unit owner an option that consists of at least 80% drought-tolerant plantings; and
- Not prohibit vegetable gardens in the front, back, or side yard of a unit owner's property.

The act requires an association to develop at least 3 garden designs that are preapproved by the association for installation in front yards within the common interest community. To receive preapproval, a garden design must adhere to the principles of water-wise landscaping or be part of a water conservation program operated by a local water provider.

A unit owner who is affected by an association's violation of the act's requirements may, after providing the association notice of and a 45-day period to cure the violation, bring a civil action to restrain further violation and to recover up to \$500 or actual damages, whichever is greater.

The act's provisions apply only to a unit that is a single-family detached home and do not apply to:

- A unit that is a single-family attached home that shares one or more walls with another unit; or
- A condominium.

APPROVED by Governor May 17, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-184 Tenants and landlords - protections for tenants - prohibited provisions in rental agreements - maximum security deposit amount - affirmative defense to eviction proceeding. The act restricts a landlord, with certain exceptions, from considering or inquiring about certain information relating to a prospective tenant's amount of income and credit history. A landlord may not require a prospective tenant to have an annual income that exceeds 200% of the annual cost of rent. A landlord who violates one of the new prohibitions is subject to an initial penalty of \$50, to

be paid to the aggrieved party. A landlord who does not cure the violation is also subject to a penalty of \$2,500, to be paid to the aggrieved party in addition to the initial penalty and any economic damages, court costs, and attorney fees. A violation is also an unfair housing practice subject to enforcement by private persons, the attorney general, and the Colorado civil rights division.

The act prohibits a landlord from requiring a tenant to submit a security deposit in an amount that exceeds the amount of 2 monthly rent payments.

The act allows a tenant who is subject to an eviction action to assert as an affirmative defense that the tenant's landlord has violated or is in violation of certain state laws concerning unfair housing practices.

APPROVED by Governor June 6, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-206 Real property - conveyances and evidence of title - disclosures - radon. The act requires a contract to sell residential real estate to contain, and a landlord of residential real estate to provide to prospective tenants, in writing:

- A warning statement about the dangers of radon and the need for testing;
- Any knowledge the seller or landlord has of the residential real property's radon concentrations and history, including tests performed, reports written, and mitigation conducted; and
- The most recent brochure published by the department of public health and environment that provides advice about radon in real estate transactions.

If a landlord fails to provide the written disclosures or fails to mitigate an elevated radon level, the tenant may void the lease in accordance with the statutes governing the implied warranty of habitability; except that after January 1, 2026, the tenant may void the lease only if the lease is greater than one year in duration.

The real estate commission is required to promulgate rules requiring that these warnings and disclosures are made in real estate transactions that use a broker.

Colorado law requires a radon professional to be licensed. The act exempts a tenant from needing a license when the tenant is testing the property leased by the tenant.

APPROVED by Governor June 5, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1068 Housing - rights of pet owners. The act prohibits insurers from denying a homeowner's insurance policy or a dwelling fire insurance policy or increasing the premium for such a policy based on the breed or mixture of breeds of dog that resides at the insured dwelling, while allowing denial if a specific individual dog is a dangerous dog. Insurers are also prohibited from asking or otherwise inquiring about the specific breed or mixture of breeds of dog kept at a dwelling except to ask if the dog is known to be or has been declared a dangerous dog. For purposes of these provisions, a dwelling includes a dwelling unit that is a structure or part of a structure that is used

as a home, residence, or sleeping place by a tenant.

The act also requires that an officer executing a writ of restitution inspect the premises for pet animals and give any pet animal found to the tenant of the premises if the tenant is present at the time the writ is executed. If a tenant is not present, the officer must contact a local authority in charge of animal control to take custody of any pet animal. The landlord shall provide the local animal control authority with access to the premises to allow the pet animals to be removed or secured and with the name and contact information for the tenant and shall leave contact information for the tenant as to where the pet animal has been taken by posting notice in a visible place at the premises. The act provides that no pet animal shall be removed from the premises during the execution of a writ and left unattended on public or private property.

The act also limits the amount of an additional security deposit a landlord can receive from a prospective or current tenant as a condition of permitting the tenant's pet animal to reside at the residential premises to a refundable \$300. Additionally, a landlord is prohibited from demanding or receiving additional rent from a tenant as a condition of permitting the tenant's pet animal to reside at the residential premises in an amount that exceeds \$35 per month or 1.5% per month of the tenant's monthly rent, whichever is greater.

The act also excludes pet animals from the categories of a tenant's personal property that a person who rents furnished or unfurnished rooms or apartments may place a lien on for unpaid board, lodging, or rent.

APPROVED by Governor June 7, 2023

EFFECTIVE January 1, 2024

NOTE: This act was passed without a safety clause.

H.B. 23-1095 Tenants and landlords - written rental agreements - prohibited clauses - exemptions.
Current law prohibits a written rental agreement from including:

- An unreasonable liquidated damages clause that assigns a cost to a party stemming from an eviction notice or an eviction action for a violation of the rental agreement; or
- A one-way, fee-shifting clause that awards attorney fees and court costs only to one party. Any fee-shifting clause in a rental agreement must award attorney fees to the prevailing party in a court dispute.

The act amends these prohibitions so that:

- A written rental agreement must not include any clause that assigns a penalty to a party stemming from an eviction notice or an eviction action that results from a violation of the rental agreement; and
- Any fee-shifting clause in a rental agreement must award attorney fees to the prevailing party only following a determination that the party prevailed and the fee is reasonable.

With certain exceptions, the act also prohibits a written rental agreement from including:

- A waiver of the right to a jury trial; the ability to pursue, bring, join, litigate, or support certain class or collective claims or actions; the implied covenant of good

- faith and fair dealing; or the implied covenant of quiet enjoyment;
- A provision that purports to affix any fee, damages, or penalty for a tenant's failure to provide notice of nonrenewal of a rental agreement prior to the end of the rental agreement;
- A provision that characterizes any amount or fee set forth in the rental agreement, with the sole exception of the set monthly payment for occupancy of the premises, as "rent" for which all remedies to collect rent, including eviction, are available;
- A provision that requires a tenant to pay a fee markup or for a service for which the landlord is billed by a third party; or
- A provision that purports to allow a provider operating under any local, state, or federal voucher or subsidy program to commence or pursue an action for possession based solely on the nonpayment of utilities.

The act specifies that some of the new prohibitions do not apply to a rental agreement concerning the occupancy of a mobile home in a mobile home park or to a duplex or triplex or to an accessory dwelling unit of a residential premises if:

- The owner of the duplex, triplex, or residential premises uses the residential premises or at least one of the units of the duplex or triplex, as applicable, as the owner's primary residence; or
- The owner's primary residence is on the same lot as the duplex, triplex, or residential premises.

APPROVED by Governor June 5, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1099 Residential leases - rental applications - requirement to accept tenant screening report - notice to prospective tenants - exemption - penalty for landlord's failure to comply - attorney general enforcement. Except in certain circumstances, the act requires a landlord to accept from a prospective tenant a portable tenant screening report (screening report). A landlord may require that the screening report was prepared by a consumer reporting agency (reporting agency) within the previous 30 days, at the prospective tenant's request and expense, and made directly available to the landlord by the agency. The act specifies information that must be included in a screening report, including verification of employment and income, rental and credit history, and criminal history. If a prospective tenant provides a screening report, the landlord shall not charge the prospective tenant either an application fee or a fee for the landlord to access or use the screening report.

Prior to collecting any tenant information that would generate an application fee, a landlord shall advise a prospective tenant that the landlord accepts screening reports and is prohibited from charging an application fee or other fee to a prospective tenant who provides a screening report.

A landlord is not required to accept a screening report or to provide the advisements required in the act if the landlord does not accept more than one application fee at a time for a dwelling unit or, if a dwelling unit is rented to more than one occupant, does not accept more than one application fee at a time for each prospective tenant or tenant group for the dwelling unit, and if the landlord refunds the total amount of the application fee to each prospective tenant within 20 calendar days after written communication from the prospective tenant or the landlord declining to enter into a lease.

If a prospective tenant submits a rental application that results in a landlord obtaining a consumer report relating to the prospective tenant, the landlord shall also provide a copy of the consumer report to the prospective tenant and advise the prospective tenant of the tenant's right to dispute the accuracy of the consumer report with the reporting agency.

A landlord that violates the provisions of the act is liable for \$2,500, plus court costs and attorney fees, but if the landlord cures the violation within 7 calendar days after receiving notice of the violation, the landlord is to pay the prospective tenant a penalty of \$50 and is otherwise not liable for damages. The act authorizes the attorney general to independently initiate and bring an action to enforce the "Rental Application Fairness Act".

APPROVED by Governor May 4, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1105 Department of regulatory agencies - division of real estate - homeowners' rights - HOA homeowners' rights task force - metropolitan district homeowners' rights task force - reporting - appropriation. The act creates the HOA homeowners' rights task force (HOA task force) and the metropolitan district homeowners' rights task force (metro district task force) in the division of real estate (division) in the department of regulatory agencies (department). The director of the division or the director's designee serves as the chair of both task forces.

Members of the HOA task force must be designated or appointed on or before August 1, 2023. The HOA task force is required to:

- Study issues confronting HOA homeowners' rights, including homeowners' associations' fining authority and practices, foreclosure practices, communications with homeowners, and the availability and method of making certain documents available to HOA homeowners in the association;
- Review HOA homeowners' complaints and relevant state and federal laws related to common interest communities;
- Review a representative sample of governing documents, governance policies, financial information, and collections and legal activities; and
- Develop initial findings and conclusions, including legislative recommendations, and, on or before April 15, 2024, prepare a final report. The department must publish the initial findings and conclusions and final report on its website. The HOA task force must submit copies of the final report to the metro district task force, certain legislative committees, and the governor.

Members of the metro district task force must be designated or appointed on or before November 1, 2023. The metro district task force is required to:

- Study issues confronting metropolitan district homeowners' rights, including metropolitan district boards' tax levying authority and practices, foreclosure practices, communications with homeowners, governance policies, and the process by which a metropolitan district could transition into a common interest community; and
- On or before March 1, 2024, prepare an interim report and, on or before June 15, 2024, a final report regarding its findings and conclusions, publish the reports on the department's website, and submit copies of the reports to certain legislative committees and the governor.

For state fiscal year 2023-24, the act appropriates \$208,408 from the general fund to the department for use by the division to implement the act and \$1,887 from the general fund to the legislative department for use by the general assembly for legislator per diem and travel reimbursement expenses.

APPROVED by Governor May 24, 2023

EFFECTIVE May 24, 2023

H.B. 23-1254 Tenants and landlords - warranty of habitability - residential premises damaged by environmental public health events. The act expands conditions covered under the warranty of habitability for residential premises to include damage due to an environmental public health event.

The act requires a landlord to have a residential premises remediated to a condition that complies with applicable standards for the remediation and clean up of residential premises after damage due to an environmental public health event. The act also clarifies landlord responsibilities regarding the warranty of habitability and how a tenant must give notice to a landlord if there are habitability issues with the tenant's residence.

The act prohibits a landlord from retaliating against a tenant for making a good faith complaint about the conditions of the residential premises and provides conditions by which a tenant may terminate a lease if a habitability issue is not remediated. The act also specifies conditions by which certain vulnerable populations may terminate a lease if the residential premises has been damaged due to an environmental public health event that would be detrimental to the health, safety, or quality of life of those vulnerable populations.

APPROVED by Governor May 12, 2023

EFFECTIVE May 12, 2023

PUBLIC UTILITIES

S.B. 23-187 Public utilities commission - administratively set permit fees for motor carriers and transportation network companies. Under current law, various fees imposed on motor carriers are either specified in statute or set administratively by the public utilities commission (commission). The act removes the statutorily set fees and instead authorizes the commission to set the motor carrier fees administratively.

The act also requires, on and after January 1, 2024, that the commission establish transportation network company permit fees administratively. The commission is required to notify transportation network companies of an increase in the fees at least 30 days before the increased fees take effect. The commission may adopt rules establishing different tiers of permit fees for distinct types of transportation network companies based on the commission's consideration of market factors. If the commission adopts different tiers of permit fees, the commission is required to publish the criteria that the commission used to establish the different tiers on its website.

APPROVED by Governor May 18, 2023

EFFECTIVE May 18, 2023

S.B. 23-291 Public utilities commission - regulation of energy utilities - prohibited cost recovery - fuel cost sharing - natural gas costs and incentives - gas utility disconnections - beneficial electrification study - appropriation. Section 1 of the act requires the public utilities commission (commission), if relying on a discount rate when calculating the net present value of future carbon-based fuel costs as part of a utility's electric resource plan, to apply a discount rate that does not exceed the long-term rate of inflation. The commission is required to determine an appropriate rate of inflation specifically for fuel costs.

Section 2 requires the commission to establish rules to limit the amount of rate case expenses that an investor-owned electric or gas utility may recover from the utility's customers. In reviewing an investor-owned utility's application to modify base rates, the commission is required to certify that sufficient information is included in the application, including a comprehensive cost and revenue requirement analysis.

Section 3 prohibits an investor-owned electric or gas utility from recovering various costs from its customers, including:

- More than 50% of annual total compensation or of expense reimbursement for a utility's board of directors;
- Tax penalties or fines issued against the utility;
- Investor-relation expenses;
- Certain advertising and public relations expenses;
- Lobbying and other expenses intended to influence the outcome of local, state, or federal legislation or ballot measures;
- Charitable giving expenses;
- Certain organizational and membership dues;
- Certain political contributions or expenses;
- Travel, lodging, food, or beverage expenses for the utility's board of directors and officers;
- Gift or entertainment expenses;

- Expenses related to aircraft for a utility's board of directors and officers; and
- Expenses related to unregulated products or services sold or provided by a utility.

If an investor-owned utility recovers prohibited costs, the commission may assess a nonrecoverable penalty against the utility and is required to order the utility to refund the amount improperly recovered to its customers, plus interest.

An investor-owned utility is required to file an annual report with the commission on the utility's compliance with the cost recovery prohibitions, which report must include the purpose, payee, and amount of any expenses associated with costs and activities not permitted to be recovered from customers.

Section 4 requires that, on or before November 1, 2023, an investor-owned gas utility file with the commission for the commission's approval, amendment, or denial a gas price risk management plan that includes proposals for addressing the volatility of fuel costs recovered from the utility's customers pursuant to the utility's gas cost adjustment filings.

Section 4 requires the commission to adopt rules, on or before January 1, 2025, to help protect investor-owned electric or gas utility customers from the volatility of gas prices by establishing mechanisms that align an investor-owned utility's financial incentives with the financial interests of its customers regarding incurred fuel costs. In adopting the rules, the commission is required to consider mechanisms to create a financial incentive for an investor-owned utility to improve its electricity production cost efficiency while minimizing its fuel costs.

As part of its rules, the commission shall also consider, to the extent such information is relevant, each investor-owned electric or gas utility's financial health and corresponding impacts on customer affordability.

Section 4 also requires the commission to open a proceeding to investigate whether and how residential and other development in certain geographic areas drive natural gas infrastructure costs for any natural gas utility that serves more than 500,000 customers in the state. After completing the investigation, the commission shall consider whether alternative infrastructure, service investments, or other actions by the utility could mitigate impacts of such development on nonparticipating or income-qualified utility customers.

Section 5 requires:

- On or before December 31, 2023, each regulated gas utility to remove from the utility's rate tariffs incentives offered to an applicant applying for natural gas service to establish gas service to a property;
- The Colorado energy office to contract with an independent third party, on or before July 1, 2024, to evaluate the risk that stranded or underutilized natural gas infrastructure investments pose, including the risk posed to utility employees and contractors, and the annual projected rate impact that such stranded assets have on utility customers;
- The commission to determine whether any changes to rules or depreciation schedules are warranted based on its review of the evaluation contracted by the Colorado energy office;
- An investor-owned gas utility to provide the commission information, including a map, about the utility's gas distribution system pipes;
- An investor-owned gas utility to refrain from penalizing or charging a fee to a

customer that voluntarily terminates gas service. The commission may adopt rules to establish standards for a customer's voluntary disconnection from an investor-owned gas utility's gas distribution system.

- On or before January 1, 2024, the commission to examine existing investor-owned electric utility tariffs, policies, and practices to determine if they pose a barrier to the beneficial electrification of transportation and buildings and determine whether requiring a customer that seeks to interconnect distributed energy resources or beneficial electrification resources to bear the full incremental cost of transformer or service upgrades needed for such interconnection imposes an undue burden on the customer.

Section 6 requires the commission to allow a wholesale customer of an investor-owned utility to intervene in a proceeding regarding the commission's consideration of the investor-owned utility's application for cost recovery from customers if the wholesale customer has a demonstrated interest in the proceeding.

Section 7 appropriates for the 2023-24 state fiscal year:

- \$1,347,554 from the public utilities commission fixed utility fund to the department of regulatory agencies for use by the commission, with \$713,745 reappropriated to the department of law; and
- \$142,749 to the department of law from the legal services cash fund from revenue received from the Colorado energy office that originates as custodial federal funds that the office has authority to expend.

APPROVED by Governor May 11, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1039 Electric resource adequacy - annual report - appropriation. On or before April 1, 2024, and on or before April 1 of each year thereafter, an entity with an obligation to provide retail or wholesale electricity services in the state (load-serving entity) must file with the entity responsible for approving the resource plans or rates of the load-serving entity (regulatory oversight entity) an annual report detailing the adequacy of its electric resources (resource adequacy annual report).

On or before April 30, 2024, and on or before April 30 of each year thereafter, each regulatory oversight entity must submit any resource adequacy annual reports to the Colorado energy office (office). On or before July 1, 2024, and on or before July 1 of each year thereafter, the office must aggregate the resource adequacy annual reports received from the regulatory oversight entities into a statewide resource adequacy aggregate annual report.

If a load-serving entity participates in an active organized wholesale market, which is a regional transmission organization or an independent system operator established for the purpose of coordinating and managing the dispatch and transmission of electricity on a multistate or regional basis, or, if the load-serving entity is participating in a voluntary regional resource adequacy reporting program, the load-serving entity's obligation to provide a resource adequacy annual report terminates on the date that the load-serving entity begins participating in an organized wholesale market or in the year following the submission of a compliance report required by the program.

For the 2023-24 state fiscal year, the act appropriates \$14,737 from the general fund to the office of the governor for use by the office for program administration.

APPROVED by Governor April 25, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1051 Rural broadband and telecommunications - high cost support mechanism - continuation of funding to align with sunset review. The high cost support mechanism provides high cost support funding to telecommunications and broadband service providers that provide service in high-cost areas of the state. The high cost support mechanism was scheduled to conclude on December 1, 2023. The act continues support funding from the high cost support mechanism to 12 rural telecommunications providers in Colorado until September 1, 2024. The date aligns with the department of regulatory agencies' 2023 sunset review of the high cost support mechanism and the final determination of the high cost support mechanism by the general assembly in 2024.

APPROVED by Governor March 23, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1137 Community solar gardens - net metering credits for electric utility purchases of output - calculations for determining credits - cost recovery. Current law requires an electric retail utility (utility) to offer a net metering credit as the means of purchasing output from a community solar garden (CSG) located within the utility's service territory and establishes the means of calculating the net metering credit. The act maintains that calculation if the CSG indicates to the utility that the CSG's subscribers' bill credits change annually. However, if the CSG indicates to the utility that the CSG's subscribers' bill credits remain fixed, the act provides a different calculation for determining the net metering credit. The public utilities commission shall allow a utility to recover costs incurred in implementing and maintaining the net metering credit billing systems.

APPROVED by Governor April 17, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1216 Natural gas pipeline safety - responsibility for maintenance and repairs of customer-owned service lines - rules. The act requires the public utilities commission's (commission) gas pipeline safety rules, on or before March 1, 2024, to address requirements for:

- The installation or reinstallation of service regulators by the owner or operator so that any vents associated with the service regulators are at least 12 inches above ground level and located in an area that is protected from external blockage; and
- The visual inspection of gas meters and service regulators by a qualified individual no less frequently than every 5 calendar years with intervals not to exceed 63 months and the record documentation of each inspection.

The act requires the commission to promulgate rules, on or before March 1, 2024, to establish a process for determining whether an owner or operator of a natural gas distribution system (owner or operator) or a customer is responsible for the maintenance and repairs of the portion of the service

line, if installed on or after August 14, 1995, and before March 1, 2024, that extends from the gas meter to the customer's primary residential or commercial structure that is serviced with natural gas (customer-owned service line).

The act also requires the commission to promulgate rules, on or before March 1, 2024, requiring an owner or operator that distributes gas to a customer-owned service line installed by the owner or operator on or after March 1, 2024, to:

- Provide written notice to the customer, within 90 days after the installation of the customer-owned service line, informing the customer whether the owner or operator or the customer is responsible for the maintenance and repairs of the customer-owned service line; and
- Use best efforts to obtain a signed copy of the written notice from the customer.

An owner or operator that fails to obtain a signed copy of the written notice must either maintain proof of efforts to obtain the customer's signature or document the customer's refusal to provide a signature.

APPROVED by Governor June 7, 2023

EFFECTIVE June 7, 2023

H.B. 23-1252 Thermal energy - gas utilities' thermal energy network projects - geothermal heating and cooling grants - labor standards for public projects - eligibility as a clean heat resource - repeal of operating permit requirements for geothermal heat suppliers. The act authorizes the Colorado energy office to award grants for retrofitting existing buildings for installation of geothermal systems for heating and cooling under the single-structure geothermal grant that the office administers, and for generating geothermal energy through direct air capture technology under the geothermal electricity generation grant that the office administers.

The act establishes labor standards for thermal energy public projects that a state agency or a state institution of higher education procures.

In Colorado, a gas distribution utility providing gas service to more than 90,000 retail customers is required to file with the public utilities commission (commission) a clean heat plan, which plan demonstrates how the utility will use clean heat resources to meet clean heat targets for reducing carbon dioxide and methane emissions. The act adds thermal energy as an eligible clean heat resource for helping to meet clean heat targets.

A gas utility that the commission regulates is authorized to apply for review and approval of the use of thermal energy networks in the gas utility's service area. A gas utility that the commission regulates and that serves more than 500,000 customers is additionally required to propose pilot thermal energy network projects for the commission's review and approval. The commission shall initiate a proceeding on or before January 1, 2025, to determine if rule-making or legislative changes are needed to facilitate the development of thermal energy in the state.

The act repeals the "Geothermal Heat Suppliers Act", which requires geothermal heat suppliers to obtain operating permits from the commission.

APPROVED by Governor May 11, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1281 Clean hydrogen - investigatory proceeding - approval process for projects by investor-owned utilities - tax credit - report - rules - appropriation. Section 2 of the act defines clean hydrogen (clean hydrogen) as hydrogen that is:

- Derived from a clean energy resource that uses water as the source of hydrogen; or
- Produced through a process that results in lifecycle greenhouse gas emissions rates that are less than 1.5 kilograms of carbon dioxide equivalent per kilogram of hydrogen, as set forth in applicable federal law.

Section 2 also requires, no later than September 1, 2023, the public utilities commission (commission) to initiate an investigatory proceeding to consider issues related to projects that result in the production of clean hydrogen by an investor-owned utility (clean hydrogen projects).

Section 2 also requires, no later than December 1, 2024, the commission to adopt rules that establish clean hydrogen project requirements, including, if the commission determines cost recovery for clean hydrogen projects is appropriate, rules that require an investor-owned utility to present a clean hydrogen project to the commission for the commission's approval, unless the Colorado energy office (office) files a notice with the commission stating that the federal department of energy has extended or otherwise altered the deadline for funding of a project that is part of an application for federal funding by various entities that may include the production, transport, and use of clean hydrogen (hydrogen hub project).

Section 2 also requires that, in reviewing a clean hydrogen project application, the commission consider whether it is in the public interest for an investor-owned utility to invest in a clean hydrogen project, the potential contribution of the clean hydrogen project in meeting the state's greenhouse gas emission reduction goals, and various other issues. If the clean hydrogen project is proposed to be sited in an area that would affect a disproportionately impacted community, the commission shall analyze the applicant's cumulative impacts analysis and determine whether the clean hydrogen project will have a positive effect on the disproportionately impacted community.

Section 2 also requires that an investor-owned utility provide notice to the commission of any application for federal funding as part of a hydrogen hub project.

Section 2 also requires an investor-owned utility that operates a clean hydrogen project approved by the commission to submit an annual report that reports various details about the clean hydrogen project to the commission. If the clean hydrogen project includes the use or consumption of clean hydrogen by the investor-owned utility, the investor-owned utility shall also report the lifecycle greenhouse gas emissions rates of the clean hydrogen project separately by each production facility and use.

For income tax years commencing on or after January 1, 2024, but before January 1, 2033, section 3 creates a state income tax credit in specified amounts per kilogram of clean hydrogen used for hard to decarbonize end uses, for operating a heavy-duty vehicle, or for aviation (tax credit). Any taxpayer seeking to claim the tax credit must first apply for and receive a tax credit certificate from the office. The tax credit may be claimed for an amount not to exceed \$250,000 in a tax year.

For the 2023-24 state fiscal year, the act appropriates \$360,758 from the public utilities commission fixed utility fund to the department of regulatory agencies for the following uses:

- \$241,532 for use by the commission for personal services;
- \$24,060 for use by the commission for operating expenses; and

- \$95,166, which is reappropriated to the department of law to provide legal services to the department of regulatory agencies.

For the 2023-24 state fiscal year, the act appropriates \$12,861 from the general fund to the department of revenue, which is reappropriated to the department of personnel for the purchase of document management services.

APPROVED by Governor May 22, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

REVENUE - ACTIVITIES REGULATION

S.B. 23-19 Motor vehicle dealer board - jurisdiction over out-of-state online dealers. The act requires out-of-state online dealers and salespersons selling motor vehicles or powersports vehicles to submit to the jurisdiction of the motor vehicle dealer board (board) when selling to a Colorado consumer. The act does not require these online dealers and salespersons to obtain a Colorado dealer license or have a physical location in Colorado but requires them to comply with Colorado laws and the board's rules.

APPROVED by Governor March 3, 2023

EFFECTIVE March 3, 2023

S.B. 23-78 Motor vehicle and powersports vehicle dealers - motor vehicle and powersports vehicle manufacturers - reimbursement of dealers for warranty repair work. Before passage of the act, Colorado law required a motor vehicle or a powersports vehicle manufacturer (manufacturer) to timely compensate a motor vehicle or a powersports vehicle dealer (dealer) for warranty repairs based on the dealer's typical charges for parts and labor if these charges were reasonably consistent with the law governing the setting of these charges. The act repeals the condition that the charges must be reasonably consistent with this law, requiring the manufacturer to pay the charges even if there is a dispute as to the charges. The law governing the setting of these charges is not repealed, so the charges must continue to comply with the law.

Before passage of the act, Colorado law governing these charges allowed a manufacturer to challenge the setting of a labor rate or part markup if either was inaccurate or if either was substantially different than the charges of other similarly situated line-make dealers. The act repeals the manufacturer's ability to challenge these charges when the rates are substantially different than the charges of other similarly situated line-make dealers.

In order to challenge the setting of a labor rate or part markup as allowed before the passage of the act, the manufacturer was required to provide the dealer a notice that explains why the calculation was subject to contest. The act changes this requirement, requiring instead that the notice must explain why the calculation is materially inaccurate.

APPROVED by Governor April 3, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-156 Department of revenue - issuance of private letter rulings and information letters - sunset review - appropriation. The act implements the recommendations of the department of regulatory agencies, as contained in the department's sunset review of the issuance of private letter rulings (rulings) and information letters (letters) by the department of revenue, as follows:

- Continues the issuance of rulings and letters by the department of revenue and removes the issuance of rulings and letters from the sunset review process;
- Allows the department of revenue to extend the 90-day deadline to issue a ruling if the taxpayer agrees to the extension; and
- Allows the department of revenue to issue letters and rulings for any issue related to a tax or fee administered by the department of revenue.

For the 2023-24 fiscal year, the act appropriates \$53,644 from the private letter ruling fund

to the department of revenue for use by the taxation business group for personal services related to taxation services.

APPROVED by Governor May 1, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-165 Gaming and racing - division of racing events - Colorado racing commission - continuation under sunset law. The act implements recommendations of the department of regulatory agencies in its sunset review and report on the division of racing events (division) and the Colorado racing commission (commission) in the department of revenue. Specifically:

- The division and the commission are continued 9 years from the current repeal date of September 1, 2023, until September 1, 2032;
- Certain language from the definition of the term "in-state simulcast facility" is relocated, with amendments; and
- Certain greyhound kennel inspection requirements that have become redundant with inspection requirements imposed upon the department of agriculture are repealed.

APPROVED by Governor June 2, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-199 Marijuana regulations - state and local licensing authorities - license application - retention of application fees - license renewal - appropriation - transfer. A person applying for a marijuana license is required to pay both an application fee and a licensing fee. The act clarifies that the state licensing authority may issue a refund of a licensing fee if the marijuana license application is denied. Furthermore, the act states that the state licensing authority must retain the applicant's application fee, but a local licensing authority can choose to retain or refund an applicant's application fee.

Current law requires a marijuana license applicant to obtain both a state license and local jurisdiction approval, and the state license is conditioned on local jurisdiction approval. The act provides an applicant the opportunity to renew, for up to one year, a state license that would otherwise expire because of failure to receive local jurisdiction approval at the discretion of the state licensing authority.

For state fiscal year 2023-24, the act requires the state treasurer to transfer from the general fund an amount equal to the unused general fund appropriation in the department of revenue's IDS print production line item at the end of state fiscal year 2022-23 to the department's marijuana cash fund.

APPROVED by Governor June 5, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-259 Limited gaming - elimination of prohibition of licensees extending credit - conditions for extension of credit - prohibition on using unpaid credit to reduce gaming tax burden - remedies

for recovery of unpaid credit - record keeping. The act eliminates the prohibition on persons licensed by the "Limited Gaming Act of 1991" (licensee) from extending credit to another person for participation in limited gaming if:

- The licensee evaluates the person's credit and establishes the person as credit-worthy;
- The licensee does not have knowledge of a conviction of the person for committing specified unlawful acts;
- The licensee determines that the person has no outstanding child support debt or unpaid debt due to the state and does not owe restitution from a Colorado criminal case; and
- The amount of the extension of credit is at least \$1,000.

Additionally, the act specifies the documentation the licensee must maintain for any extension of credit and requires the licensee to inform every person to whom credit is extended, orally and in writing, that the financial obligations created must be fully paid to the licensee within 150 days.

The act prohibits licensees from reducing their gaming tax burden through deducting unpaid credit from their gross proceeds.

The act allows licensees to pursue all civil remedies at law to recover unpaid credit, as well as interest and reasonable recovery costs. Additionally, the act restricts licensees from settling or compromising the amount to be repaid until specific conditions are met.

Finally, the act outlines record-keeping requirements for licensees that extend credit.

VETOED by Governor May 23, 2023

S.B. 23-264 Alcohol beverages - festivals - permitting process - application timeline - increased fees - joint participation - limitation time frame. Currently, certain persons licensed to sell alcohol beverages (licensee) may apply for a permit to hold a festival. The act makes the following changes to the festival permitting process:

- Requires the licensee to file a permit application at least 30 calendar days before the festival, which increases the current requirement of at least 10 business days before the festival;
- Increases the fee for a permit from \$25 annually to \$50 per festival;
- Authorizes a licensee to jointly participate in up to 52 festivals held by other licensees; and
- Changes the window during which festivals are counted for the purpose of determining how many festivals a licensee holds or participates in from 12 months after the issuance of a permit to a calendar year.

APPROVED by Governor May 17, 2023

EFFECTIVE June 1, 2023

S.B. 23-290 Natural medicine - regulation - criminal penalties - appropriations. The act amends the regulatory framework for natural medicine and natural medicine product.

The act requires the director of the division of professions and occupations to:

- Regulate facilitators and the practice of regulation, including issuing licenses for facilitators;
- Promulgate rules necessary for the regulation of facilitators and the practice of facilitation; and
- Perform duties necessary for the implementation and administration of the "Natural Medicine Health Act of 2022", including investigatory and disciplinary authority.

The act creates the natural medicine advisory board (board). The board's duties include examining issues related to natural medicine and natural medicine product, and making recommendations to the director of the division of professions and occupations and the executive director of the state licensing authority.

The act creates the federally recognized American tribes and Indigenous community working group (working group). The working group's duties include studying issues related to legalizing and regulating natural medicine and natural medicine product, the effect of legalization and regulation on federally recognized American tribes and Indigenous people and communities, and making recommendations to the director of the division of professions and occupations and the board.

The act creates within the department of revenue the natural medicine division for the purpose of regulating and licensing the cultivation, manufacturing, testing, storage, distribution, transport, transfer, and dispensation of natural medicine or natural medicine product between natural medicine licensees. The act requires the natural medicine division to:

- Regulate natural medicine, natural medicine product, and natural medicine businesses, including healing centers, cultivators, manufacturers, and testers, and issue licenses for such businesses;
- Promulgate rules necessary for the regulation of natural medicine, natural medicine product, and natural medicine businesses; and
- Perform duties necessary for the regulation of natural medicine, natural medicine product, and natural medicine businesses, including investigatory and disciplinary authority.

The act requires the department of revenue to coordinate with the department of public health and environment concerning testing standards of regulated natural medicine and natural medicine product.

The act requires a sunset review for the articles governing the department of regulatory affairs and the department of revenue in the regulation of natural medicine, natural medicine product, facilitators, and natural medicine businesses.

The act states that:

- A person who is under 21 years of age who knowingly possesses or consumes natural medicine or natural medicine product commits a drug petty offense and is subject to a fine of not more than \$100 or not more than 4 hours of substance use education or counseling; except that a second or subsequent offense is subject to a fine of not more than \$100, not more than 4 hours of substance use education or counseling, and not more than 24 hours of useful public service;
- A person who openly and publicly consumes natural medicine or natural medicine product commits a drug petty offense and is subject to a fine of not more than \$100 and not more than 24 hours of useful public service;

- A person who knowingly cultivates natural medicine is required to do so on the person's private property, subject to area and physical security requirements. A person who violates this provision commits a drug petty offense and is subject to a fine of not more than \$1,000.
- A person who is not licensed to manufacture natural medicine product and who knowingly manufactures natural medicine product using an inherently hazardous substance commits a level 2 drug felony;
- Unless expressly limited, a person who, for the purpose of personal use and without remuneration, possesses, consumes, shares, cultivates, or manufactures natural medicine or natural medicine product does not violate state or local law; except that nothing permits a person to distribute natural medicine or natural medicine product to a person for certain unlawful purposes;
- Unless expressly limited, a person who performs testing on natural medicine or natural medicine product for another person who is 21 years of age or older who submits for testing natural medicine or natural medicine product intended for personal use does not violate state or local law;
- A peace officer is prohibited from arresting, and a district attorney is prohibited from charging or prosecuting, a person for a criminal offense pursuant to part 4 of article 18 of title 18 involving natural medicine or natural medicine product, unless expressly provided by the act;
- A lawful action related to natural medicine or natural medicine product must not be the sole reason to subject a person to a civil penalty, deny a right or privilege, or seize assets;
- A lawful action related to natural medicine or natural medicine product must not be used as the sole factor in a probable cause determination of any criminal offense; except that an action may be used in such determination if the original stop or search was lawful and other factors are present to support a probable cause determination of any criminal offense;
- The fact that a person is entitled to consume natural medicine or natural medicine product does not constitute a defense against any charge for violation of an offense related to operation of a vehicle, aircraft, boat, machinery, or other device;
- A local jurisdiction is prohibited from adopting, enacting, or enforcing a conflicting law; and
- A person or entity who occupies, owns, or controls a property may prohibit or otherwise regulate the cultivation or manufacture of natural medicine or natural medicine product on or in that property.

The act states that the juvenile court has exclusive original jurisdiction in proceedings concerning a juvenile 10 years of age or older who has violated an offense concerning natural medicine or natural medicine product. Furthermore, the juvenile court and county court have concurrent jurisdiction over a juvenile who is 10 years of age or older who has violated an offense concerning natural medicine product; except that if the juvenile court accepts jurisdiction, the county court jurisdiction terminates.

The act states that an act involving natural medicine or natural medicine product that is performed by a person:

- Does not solely constitute child abuse or neglect, or grounds for restricting or prohibiting family time;
- Does not constitute an offense such that its possession or use constitutes a violation of conditions of probation or parole;

- Does not solely constitute grounds for denying health insurance coverage;
- Does not solely constitute grounds for discrimination for organ donation; and
- Must not be considered for public assistance benefits eligibility, unless required by federal law.

The act makes a person eligible to file a motion to have conviction records related to natural medicine or natural medicine product sealed.

Under federal law, certain expenses are disallowed under section 280E of the internal revenue code. Under state law, the state income tax code permits taxpayers who are licensed under the "Colorado Marijuana Code" to subtract expenses that are disallowed by section 280E of the internal revenue code. The act expands this permission to taxpayers who are licensed under the "Colorado Natural Medicine Code".

For the 2023-24 state fiscal year, the act appropriates:

- \$733,658 from the general fund to the department of revenue, of which, \$190,332 is reappropriated to the department of law;
- \$101,150 from the legal services cash fund to the department of law; and
- \$838,402 from the general fund to the department of public health and environment.

APPROVED by Governor May 23, 2023

EFFECTIVE July 1, 2023

H.B. 23-1021 Marijuana - state licensing authority- ability to hold, embargo, and destroy marijuana. The act authorizes the executive director of the department of revenue (state licensing authority), pursuant to standards and processes that the state licensing authority establishes by rule, to:

- Issue an administrative hold on the movement of medical or retail marijuana pending an investigation;
- Embargo medical or retail marijuana when the state licensing authority finds objective and reasonable grounds to believe that the health, safety, or welfare of the public imperatively requires emergency action; and
- Order the destruction of embargoed medical or retail marijuana after notice and opportunity for a hearing.

APPROVED by Governor March 23, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1041 Racing - wagering on simulcast out-of-state greyhound races prohibited - greyhound welfare and adoption fund - transfers. Current law prohibits racing of greyhounds in Colorado; however, it is legal to wager on greyhound races that are conducted at out-of-state race tracks and simulcast for viewing in off-track betting venues in Colorado. The act makes it unlawful in Colorado to wager on any race of greyhounds that is conducted at, and simulcast from, a track that is outside of Colorado.

The act also creates the greyhound welfare and adoption fund and requires that, of the money that is paid to the department of revenue by licensees for the privilege of conducting races and operating in-state simulcast facilities, the department must transfer to the fund:

- \$25,000 on January 1, 2025; and
- \$50,000 on January 1, 2026.

The fund is repealed, effective August 1, 2026.

APPROVED by Governor June 2, 2023

EFFECTIVE October 1, 2024

NOTE: This act was passed without a safety clause.

H.B. 23-1061 Alcohol beverages - permits - retail establishments - appropriation. Under Colorado law, an art gallery may obtain a permit to serve complementary alcohol beverages, but a permit holder is prohibited from:

- Selling alcohol beverages by the drink;
- Serving alcohol beverages for more than 4 hours in a 24-hour period;
- Serving alcohol beverages more than 15 days per year;
- Charging an entrance fee or a cover charge in connection with offering complimentary alcohol beverages;
- Violating the "Colorado Liquor Code"; or
- Allowing more than 250 people to be on the premises at one time when alcohol beverages are being served.

The act broadens this permit to allow most retail establishments to obtain the permit if the establishment conducts business at a physical building in Colorado, sells goods or services to the public at the location, and derives less than 50% of the establishment's gross sales of goods and services from the sale of food. The prohibitions for art gallery permit holders are not changed and apply to a retail establishment that obtains a permit; except that:

- The prohibition on selling alcohol is broadened to cover the sale of alcohol beverages in any form;
- The number of days that an establishment may serve alcohol beverages in a year is increased from 15 to 24 days;
- Maximum serving sizes are set for beer, wine, and spirits;
- A person is prohibited from holding the permit and another liquor license;
- Serving or distributing alcohol beverages is prohibited between 2 a.m. and 7 a.m.; and
- Serving underage guests is prohibited and underage servers are prohibited.

To implement the act, \$98,744 is appropriated from the liquor enforcement division and state licensing authority cash fund to the department of revenue for use by the liquor and tobacco enforcement division.

APPROVED by Governor June 2, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1140 Powersports vehicle dealers - place of business - exceptions. Colorado law requires a powersports vehicle dealer or a used powersports vehicle dealer to maintain a principal place of business. The act clarifies that the following activities are not a violation of this requirement:

- Delivering a powersports vehicle to a customer for a test drive at a location that is away from the dealer's principal place of business;
- Delivering documents for a customer to sign or delivering documents to, or obtaining documents from, a customer at a location that is away from the dealer's principal place of business; or
- Delivering a powersports vehicle to a customer at a location that is away from the dealer's principal place of business.

APPROVED by Governor March 31, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1279 Retail marijuana - licensed stores - ability to accept payment online - requirements.

Current law prohibits a licensed retail marijuana store from selling retail marijuana or retail marijuana products over the internet or through delivery. The act allows a licensed retail marijuana store to accept payment online for the sale of retail marijuana and retail marijuana products. An individual must be physically present on the retail marijuana store's licensed premises to take possession of the purchased retail marijuana or retail marijuana product.

The retail marijuana store must verify that the individual who takes possession of the marijuana is at least 21 years of age and is the same individual who made the online payment and ensure that an individual purchasing retail marijuana or retail marijuana products online is provided with digital versions of all warnings or educational materials that the retail marijuana store is required to post and provide on its licensed premises.

APPROVED by Governor June 1, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

STATE PUBLIC DEFENDER

H.B. 23-1033 Office of alternate defense counsel - contracts for legal services. Current law directs the office of alternate defense counsel (office) to contract with attorneys and investigators to provide legal representation to clients who are indigent. The act directs the office to also contract with other persons who are necessary to provide legal services to persons who are indigent. The act requires that the legal services provided by attorneys and other persons must be commensurate with the legal services that persons who are not indigent receive.

APPROVED by Governor March 3, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

STATUTES

H.B. 23-1049 Enactment of Colorado Revised Statutes 2022. The act enacts the softbound volumes of the Colorado Revised Statutes 2022 and the subsequent changes approved by the voters at the general election on November 8, 2022, as the positive and statutory law of the state of Colorado and establishes the effective date of said publication.

APPROVED by Governor February 24, 2023

EFFECTIVE February 24, 2023

H.B. 23-1301 Revisor's Bill. To improve the clarity and certainty of the statutes, the bill amends, repeals, and reconstructs various statutory provisions of law that are obsolete, imperfect, or inoperative. The specific reasons for each amendment or repeal are set forth in the appendix to the bill. The amendments made by the bill are not intended to change the meaning or intent of the statutes, as amended.

APPROVED by Governor June 1, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die. Section 97 takes effect only if House Bill 23-1225 becomes law and takes effect on the effective date of this act or House Bill 23-1225, whichever is later. House Bill 23-1225 took effect May 10, 2023.

TAXATION

S.B. 23-36 Property tax - property tax exemption for a veteran with a disability - application process. An individual applying for the property tax exemption for a veteran with a disability has been required to submit the application to the division of veterans affairs (division) in the Colorado department of veterans and military affairs. The act instead requires an individual to submit an application to the individual's county tax assessor. When submitting an application, the act requires an individual to include proof of qualifying veteran with a disability status, which the act defines as documentary evidence from the United States department of veterans affairs that the individual is a qualifying veteran with a disability. The act further requires the division to develop guidance that specifies the documentary evidence from the United States department of veterans affairs that must be included with an application. The act eliminates the requirement that the division determine whether an individual is a qualifying veteran with a disability.

To comply with an existing statutory requirement that "people first language" be used in new or amended statutes that refer to persons with disabilities, the act also changes the existing terms "disabled veteran" and "disabled veterans" to "veteran with a disability" and "veterans with a disability".

APPROVED by Governor June 5, 2023

PORTIONS EFFECTIVE June 5, 2023
PORTIONS EFFECTIVE January 1, 2024

S.B. 23-108 Property tax relief - temporary tax credits and mill levy reductions - renewal. The act allows a local government to provide temporary property tax relief through temporary property tax credits or mill levy reductions and later eliminate the credits or restore the mill levy. A temporary reduction in property taxes must be annually renewed by the local government. A school district may not temporarily reduce its mill levy below an existing statutory minimum mill levy amount.

APPROVED by Governor June 5, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-196 Income tax - retrofitting residence to increase visitability - tax credit. The act extends for an additional 5 years the income tax credit for expenses incurred by an individual with a family income at or below \$150,00, adjusted for inflation, (qualified individual) in retrofitting the individual's residence to increase its accessibility for persons with disabilities. The act also extends the credit carry-forward period from 5 to 8 years.

APPROVED by Governor May 30, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-204 Controlled environment agricultural facility equipment - exemption from property tax - when in effect. Due to a defective statutory date reference, a property tax exemption for agricultural equipment that is used in any controlled environment agricultural facility was going to be in effect for 6 years instead of the 5 years intended by the general assembly when it enacted the property tax

exemption. The act corrects the defective date reference so that the exemption will only be in effect for 5 years.

APPROVED by Governor May 12, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-208 Tax administration - state income tax - state sales tax - correction of defective statutory cross references. The act corrects several defective cross references in the tax statutes. First, the act adds an omitted cross reference regarding the electronic filing of returns with the executive director of the department of revenue in the statute that addresses the date of receipt of tax returns. Next, the act corrects the cross reference to applicable definitions when calculating the state income tax of an electing pass-through entity owner. Finally, the act corrects the cross reference used to exclude regulated marijuana products from the definition of "agricultural commodities" for purposes of a "wholesale sale" under the state sales tax.

APPROVED by Governor June 5, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

S.B. 23-303 Property tax - local government property tax revenue limit - valuation for assessment changes - backfill local governments and school districts - voter-approved revenue change - ballot issue. The act requires the secretary of state to refer a ballot issue to voters at the November 2023 election. Most of the act only becomes effective if the voters approve the ballot issue.

Beginning with the 2023 property tax year, the act establishes a limit on specified property tax revenue for local governments, excluding those that are home rule and school districts, that is equal to inflation above the property tax revenue from the prior property tax year (limit). A local government may establish a temporary property tax credit up to the number of mills necessary to prevent the local government's property tax revenue from exceeding the limit. Alternatively, the governing board may approve a mill levy that would cause the local government to exceed the limit if the governing board approves the mill levy at a public meeting that meets certain criteria.

The act temporarily reduces the valuation for assessment (valuation) for certain subclasses of nonresidential and residential property for the property tax years 2023 through 2032 and creates the new subclass of renewable energy agricultural land, which is a subclass of nonresidential property. The act also establishes the residential real property subclasses of primary residence real property and qualified-senior primary residence real property and establishes administrative procedures related to the classification that are based on the procedures for the homestead exemption, with those procedures expanded to treat civil union partners like spouses.

Several property tax deadlines for the 2023 property tax year are delayed because of the possible valuation reductions that are contingent on the 2023 ballot. County assessors are required to provide information to taxpayers about the new valuations for assessment and the application process for primary residence real property and qualified-senior primary residence real property.

The act modifies an existing mechanism designed to reimburse local governmental entities for property tax revenue reductions by extending the backfill through 2032, incorporating the lost revenue due to the act, clarifying how the reimbursement is determined, excluding local

governmental entities that have a certain amount of growth in assessed value, capping the total amount of state backfill, and eliminating the cap on the amount of excess state revenues that may be used for the reimbursements for the 2023 property tax year.

If the voters approve the referred ballot issue, which the act requires to be called "proposition HH", then the state will be authorized to retain and spend revenues up to the proposition HH cap, the amount of which is determined under the act. The ability of the general assembly to continue retaining and spending this money after the fiscal year 2031-32 is contingent on the general assembly enacting future valuation reductions. The amount retained under this authority is first used in the following fiscal year to backfill certain local governments for the reduced property tax revenue as a result of the property tax changes in the act and Senate Bill 22-238 "Concerning reductions in real property taxation for only the 2023 and 2024 property tax years" and then up to \$20 million for the amount of property taxes that are paid as a portion of a tenant's rent. Any remaining amounts are transferred to the state education fund to offset the revenue that school districts lose as a result of the property tax changes.

APPROVED by Governor May 24, 2023

EFFECTIVE May 24, 2023

NOTE: The act takes effect only if a majority of voters approve the ballot issue referred in accordance with section 24-77-202, and in which case the act takes effect on the date of the official declaration of the vote thereon by the governor; except that, section 3; section 39-1-104.2 (3.7); section 39-3-210 (1)(a.3), (1)(e), and (2.5); section 18; section 23; and section 24 of the act take effect upon passage.

S.B. 23-304 Property tax - determination of actual value - taxpayer's remedies to correct errors - alternative appeal and protest procedure - written request for data used to determine actual value. The act specifies that when a property tax assessor values real property, the property tax assessor shall consider:

- The current use;
- Existing zoning and other governmental land use or environmental regulations and restrictions;
- Multi-year leases or other contractual arrangements affecting the use of or income from real property;
- Easements and reservations of record; and
- Covenants, conditions, and restrictions of record.

Beginning January 1, 2024, the act requires counties with a population greater than 300,000 to use an alternative procedure to determine objections and protests of property tax valuations in any year of general reassessment of real property that is valued biennially.

At the request of a taxpayer, the law requires a property tax assessor to provide the taxpayer with certain data that the assessor used to determine the value of the taxpayer's property. The act clarifies that the data the assessor is required to provide must include the primary method and rates the assessor used to value the property.

APPROVED by Governor May 24, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1006 Income tax - annual withholding statement - notice of availability of federal and state earned income and child tax credits. The law has required an employer to provide its employees with an annual statement showing the total compensation paid and the income tax withheld for the preceding calendar year. The act requires an employer to also provide written notice of the availability of the federal and state earned income tax credits and the federal and state child tax credits at least once annually. An employer may send the written notice to employees electronically, including via e-mail or text message. The written notice must be in English and any other language the employer uses to communicate with employees and must include any additional content that the department of revenue prescribes.

APPROVED by Governor March 31, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1008 Food accessibility - healthy eating program funding - income tax addition for federal deduction for business meals - tax credit for small food business recovery and resilience grant program equipment and community food consortium duties and responsibilities - expansion of community food access program - appropriation. Section 2 of the act appropriates \$250,000 to the prevention services division (division) within the department of public health and environment to partner with a statewide nonprofit organization to provide healthy eating program incentives among low-income populations in the state and must attempt to improve access to fresh Colorado-grown fruits and vegetables among low-income populations in the state. The nonprofit organization that the division selects for partnership must have experience in supporting healthy eating incentives programs and experience with coordinating healthy eating programs and funding between local, state, and federal programs.

Section 3 requires individual taxpayers to add an amount of federal taxable income equal to their federal deduction for business meals to their state income tax liability for the 2024 through 2030 income tax years. Section 4 requires the same of corporate taxpayers.

Section 5 creates a refundable tax credit for both small food retailers and small family farms that purchase certain systems or equipment (purchasers) and a member of the community food consortium for small food retailers and Colorado-owned and Colorado-operated farms (the consortium) that completes its duties and responsibilities. For the 2024 income tax year, the tax credit is equal to 85% of the cost of the amount spent by a member of the consortium on completing its duties and 85% of the cost of the systems or equipment purchased by purchasers. For income tax years 2025 through 2030, the tax credit is equal to 75% of the cost of the systems or equipment purchased by the small food retailers and small family farms and 75% of the amount spent by a member of the consortium on completing its duties.

Section 6 modifies the small food business recovery and resilience grant program (grant program). Section 6:

- Allows the department of agriculture to award grants of up to \$50,000, rather than \$25,000;
- Allows the department to annually award a grant to a grantee, rather than only once;
- Modifies the definition of "small food retailer" to include food retailers with less than 10,000 square feet or retail space, rather than less than 5,000 square feet of retail space; and
- Extends the repeal date of the grant program from September 1, 2027, to September

1, 2031.

For the 2023-24 state fiscal year, \$360,413 from the general fund is appropriated to the department of agriculture and \$44,411 is appropriated to the department of law to provide legal services for the department of agriculture, which consists of money reappropriated from a portion of the appropriation made to the department of agriculture.

APPROVED by Governor June 2, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1015 Tax on tobacco products - remote retail sales of cigars or pipe tobacco. The act categorizes the remote sales of certain kinds of tobacco products for purposes of establishing the regulation and taxation of the sales. The act exempts transactions involving the sale of cigars or pipe tobacco from the definition of "delivery sale" and instead creates and defines the term "remote retail sale" to include these transactions.

The act also resolves an ambiguity about how the "manufacturer's list price" of a tobacco product is determined for both "delivery sales" and "remote retail sales".

APPROVED by Governor May 1, 2023

EFFECTIVE January 1, 2024

NOTE: This act was passed without a safety clause.

H.B. 23-1017 Electronic sales and use tax simplification system - modifications - prohibition on certain convenience fees - promotional campaign - interested stakeholder feedback. As part of an effort to simplify the sales and use tax system, the department of revenue (department) created the electronic sales and use tax simplification system (SUTS), which is a one-stop portal designed to facilitate the collection and remittance of sales and use tax. As soon as possible, but no later than January 1, 2025, the act requires the department to modify SUTS:

- To populate a local account number on all returns and summary reports, if the retailer filing the return has a number and provides the number in SUTS;
- By developing a simplified user interface for filing returns as an alternative to the current spreadsheet method;
- To provide retailers with a bulk testing option for address files; and
- To include additional use taxes, additional information about deductions, filtering options, and certain tabs.

With the exception of charges for payments by credit cards, the act prohibits the department from imposing a convenience fee or any other type of charge for a payment through SUTS and from passing those charges on to local taxing jurisdictions.

The act also requires the department to:

- Create a campaign to promote SUTS for the purpose of increasing the awareness, participation, and compliance by retailers and local taxing jurisdictions; and
- Solicit and consider feedback from interested stakeholders about enhancements to

SUTS that lead to greater local taxing jurisdiction participation and greater compliance by retailers.

APPROVED by Governor June 5, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1081 Income tax - credit for conversion and expansion costs for employee business ownership. Under the law, a qualified business is allowed a tax credit in the amount of 50% of the costs to convert the qualified business to a form of employee ownership. The tax credit has been capped at \$25,000 for converting a qualified business to a worker-owned cooperative or employee ownership trust and \$100,000 for converting a qualified business to an employee stock ownership plan.

The act:

- Increases the caps for converting a qualified business to a worker-owned cooperative or employee ownership trust from \$25,000 to \$40,000, and for converting a qualified business to an employee stock ownership plan from \$100,000 to \$150,000;
- Expands the tax credit to include 50% of the costs of a qualified employee-owned business expanding its employee ownership by at least 20%, not to exceed \$25,000;
- Expands the tax credit to include 50% of the costs of a qualified business converting to or expanding an alternate equity structure, not to exceed \$25,000. An alternate equity structure is a mechanism under which an employer grants to employees a form of employee ownership, including an employee stock ownership plan, LLC membership, phantom stock, profit interest, restricted stock, stock appreciation right, stock option, or synthetic equity.
- Establishes certain minimum requirements for an alternate equity structure and requires the Colorado office of economic development in the office of the governor to develop guidelines for the types of employee ownership grants that qualify as an alternate equity structure; and
- Specifies that a qualified business or qualified employee-owned business may apply for and claim only one credit for the conversion or expansion costs per tax year.

APPROVED by Governor May 23, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1084 Determination of state taxable income - extension of subtraction for military retirement benefits. For income tax years commencing before January 1, 2024, the law allowed individuals younger than 55 years of age to subtract from federal taxable income for the purpose of determining state taxable income certain amounts received from military retirement benefits. The act extends the subtraction to income tax years commencing before January 1, 2029.

APPROVED by Governor June 5, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1091 Income tax - credit for contributions to promote child care - continuation - appropriation. For income tax years commencing prior to January 1, 2025, a taxpayer who makes a monetary contribution to promote child care in the state is allowed an income tax credit that is equal to 50% of the total value of the contribution. The act extends the credit for 3 years.

The act requires the department of revenue to consult with the early childhood leadership commission, the public-private collaboration unit in the department of personnel, and the department of early childhood to develop recommendations for measuring the effectiveness of the tax credit and recommendations for improving and expanding the tax credit. The act also requires the state auditor to prepare the tax expenditure evaluation report for the credit that the law periodically requires in the income tax year commencing January 1, 2026.

For the 2023-24 state fiscal year, \$78,254 is appropriated from the general fund to the department of revenue to implement the act and \$10,881 of the appropriation is reappropriated to the department of personnel to provide document management services for the department of revenue.

APPROVED by Governor May 23, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1111 Unauthorized insurance premium tax - rate increase. The act increases the unauthorized insurance premium tax rate from 2.25% to 3% in parity with the surplus lines insurance tax rate.

APPROVED by Governor March 31, 2023

EFFECTIVE January 1, 2024

NOTE: This act was passed without a safety clause.

H.B. 23-1112 Modifications to existing income tax credits - temporary expansion of earned income tax credit - permanent restructuring of child tax credit. For the income tax year commencing on January 1, 2024, the act increases the earned income tax credit that a resident individual can claim on their state income tax return from 25% to 38% of the federal credit claimed on the resident individual's federal income tax return.

The amount a taxpayer can claim as an income tax credit for the state child tax credit has been calculated based on a percentage, which varies depending on the taxpayer's income level, of what the taxpayer claimed for a federal child tax credit. For income tax years commencing on and after January 1, 2024, the act restructures the state child tax credit so that the amount of the credit that a taxpayer can claim is a flat rate instead of a percentage of what the taxpayer claimed for the federal child tax credit as follows:

- A taxpayer filing a single return with adjusted gross income of \$25,000 or less and taxpayers filing a joint return with adjusted gross income of \$35,000 or less can claim \$1,200;
- A taxpayer filing a single return with adjusted gross income greater than \$25,000 but less than or equal to \$50,000 and taxpayers filing a joint return with adjusted gross income greater than \$35,000 but less than or equal to \$60,000 can claim \$600; and

- A taxpayer filing a single return with adjusted gross income greater than \$50,000 but less than or equal to \$75,000 and taxpayers filing a joint return with adjusted gross income greater than \$60,000 but less than or equal to \$85,000 can claim \$200.

The act also provides that for income tax years commencing on and after January 1, 2025, the department of revenue must adjust the adjusted gross income amounts to reflect inflation if cumulative inflation since the last adjustment, when applied to the current limits, results in an increase of at least \$1,000 when the adjusted limits are rounded to the nearest \$1,000.

APPROVED by Governor June 7, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1121 Insurance premium tax - income tax - severance tax - infrequently used tax expenditures. The act repeals the following infrequently used tax expenditures:

- The crop hail insurance premium tax exemption (section 1 of the act);
- The in-state investment pre-1959 insurance premium tax deduction (section 1);
- The corporate condemnation capital gains income tax deduction (section 2);
- The oil shale excess percentage depletion income tax deduction (section 2);
- The mining and milling impact assistance corporate income tax credit (section 3);
- The oil shale equipment and machinery severance tax deduction (section 4);
- The oil shale processing severance tax deduction (section 4);
- The oil shale severance tax rate reductions (section 4);
- The oil shale noncommercial production severance tax exemption (section 4); and
- The mineral and mineral fuels impact assistance severance tax credit (section 5).

APPROVED by Governor March 23, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1184 Property tax exemptions for affordable housing - expansion of exemption for property acquired by nonprofit housing provider for low-income housing - creation of exemption for affordable homeownership property held by a community land trust or nonprofit affordable homeownership developer. Section 2 of the act clarifies and expands the current property tax exemption for property acquired by nonprofit housing providers for low-income housing. Section 2 also clarifies that property may qualify for the property tax exemption, through construction on the property, until the property is sold or transferred. The act expands the definition of "low-income" applicants to include individuals or families who are at or below 100% of the area median income or, if the property is in a rural resort community, at or below 120% of the area median income, as well as individuals or families who are at or below 80% of the area median income and were already included in the definition. Section 1 of the act requires applicants for the exemption described in section 2 of the act to follow the same process and submit the same forms that are required for applicants for similar exemptions.

Section 3 deems certain property held by community land trusts and nonprofit affordable homeownership developers to be used for a strictly charitable purpose and to consequently be

exempt from property taxation in accordance with the state constitution. To qualify for the exemption, the property must be split into a separate taxable parcel from the improvements on the property and leased to the owner of the improvements as an affordable homeownership property.

APPROVED by Governor May 25, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1189 Income tax - tax credit for an employer's contribution to employees for home purchases - subtraction from employee's taxable income for such employer contributions. The act creates a state income tax credit for income tax years commencing on or after January 1, 2024, but before January 1, 2027, for employers who make a monetary contribution to an employee for use by the employee in purchasing a primary residence. The amount of the credit allowed is 5% of an employer's contribution to an employee, but the credit is capped at \$5,000 per employee per year and an employer cannot receive a credit of more than \$500,000 for all contributions made in a year to employees. The employee must use the money contributed for eligible expenses which include a down payment and closing costs, including fees for appraisals, mortgage origination, and inspections. An employee may authorize their employer to withhold a specified amount of the employee's earnings as an employee contribution into the savings account established by the employer that holds the employer contribution. If an employee ends their employment with the employer or if the employee intends to use the employee contribution in a manner that is not consistent with an eligible expense, the employee forfeits any unexpended amount of the employer contribution and the amount of the credit allowed to the employer for the employer contribution is subject to recapture. In such an occurrence, the employee is entitled to the employee contribution, plus any interest earned. The credit is not refundable but may be carried forward by the employer for a period of not more than 5 years. The executive director of the department of revenue may promulgate rules related to the implementation of the credit.

For income tax years commencing on or after January 1, 2024, but before January 1, 2027, the amount contributed by the employer may be subtracted by the employee from the employee's federal taxable income for the purpose of determining their state taxable income; except that, if an employee forfeits the employer contribution, then the amount that the employee had subtracted from their federal taxable income is added back to their federal taxable income for the purpose of determining their state taxable income for the subsequent tax year.

APPROVED by Governor June 7, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1240 Rebuilding from declared wildfire disaster - sales and use tax - exemption - refund - definitions. The act creates a sales and use tax exemption for construction and building materials used directly in rebuilding or repairing a residential structure damaged or destroyed by a declared wildfire disaster in calendar year 2020, 2021, or 2022 (wildfire rebuild exemption). In addition to the state sales and use tax, the wildfire rebuild exemption extends to the sales and use taxes levied by the regional transportation district and the scientific and cultural facilities district. The exemption does not apply to the sales or use taxes levied by any other local government, including any city, town, county, special purpose district, or limited purpose governmental entity. The exemption is to be administered by the department of revenue (department) solely as a refund allowed to qualified homeowners. To be qualified, a homeowner must certify that:

- The homeowner was the owner of the residential structure to be repaired or rebuilt (qualified residential structure) at the time it was damaged or destroyed by the declared wildfire disaster; and
- The replacement cost for the qualified residential structure exceeds the homeowner's coverage under any homeowner's insurance policy associated with the structure.

A qualified homeowner may claim a refund by obtaining and submitting to the department a building permit and a wildfire rebuild exemption certificate for each qualified residential structure from the local government authorized to issue a building permit in the area in which the qualified residential structure is located. The amount of the refund is equal to 4.0% of the estimated construction and building materials cost for repairing or rebuilding the qualified residential structure. The estimated construction and building materials cost is the cost amount used by the local government to collect estimated use tax, as stated in the building permit. If no estimated use tax has been collected, the estimated construction and building materials cost is half of the total contract price or total cost for rebuilding or repairing the qualified residential structure.

The act amends the 3-year statute of limitations for state sales and use tax refund claims to allow a qualified homeowner to claim a refund based on the wildfire rebuild exemption at any time on or before June 30, 2028. The act also requires the department to prioritize refund applications based on the wildfire rebuild exemption over refund applications submitted pursuant to other provisions of law.

For the 2023-24 state fiscal year, \$72,267 is appropriated from the general fund to the department for use by taxation services to implement the act.

APPROVED by Governor May 12, 2023

EFFECTIVE May 12, 2023

H.B. 23-1251 Taxation - repeal of obsolete provisions. The act repeals obsolete provisions in title 39 as follows:

- To conform with the expiration of the tax credit previously allowed for category 2 and category 3 motor vehicles, the act repeals the tax credit and the definitions of category 2 and category 3 motor vehicles;
- The act repeals the obsolete definition of "Colorado company, limited liability company, or partnership" in the law regarding tax modifications for net capital gains;
- To conform with the expiration of the tax credit previously allowed for employers who hired a person with a developmental disability, the act repeals the tax credit; and
- The act repeals a provision relating to an exemption for tax paid by an independent contractor under certain conditions that was only applicable before July 1, 1979.

APPROVED by Governor June 7, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1260 State income tax credits for advanced manufacturing and semiconductor manufacturing - enterprise zones - CHIPS zones - Colorado job growth incentive tax credit - refunds - advanced manufacturing and STEM industries task force - appropriations. The act creates new and modifies existing state income tax credits to maximize federal government funding for taxpayers

engaged in semiconductor and advanced manufacturing in Colorado. Specifically, the act creates a refund mechanism, available from fiscal year 2023-24 through fiscal year 2028-29, that allows a taxpayer engaged in semiconductor or advanced manufacturing to apply for conditional approval of one or more types of income tax credits based on a specified project in the state and includes the maximum amount of credit for which the taxpayer may claim a refund of 80% (refund mechanism). The income tax credit types that may be the basis for such a refund are:

- The 3 enterprise zone credits for qualified investments, business facility employees, and expenditures for research and experimental activities;
- The Colorado job growth incentive income tax credit; and
- 3 semiconductor manufacturing zone (CHIPS zone) credits for qualified investments, business facility employees, and expenditures for research and experimental activities, the zones for which are created in the act.

Semiconductor and advanced manufacturers must apply to the Colorado economic development commission (commission) for a refund certificate approving their project and setting the maximum amount of income tax credits that the manufacturer may claim as the basis for a refund in connection with the project. In reviewing applications, the commission must prioritize taxpayers engaged in semiconductor or advanced manufacturing that have received or applied to receive matching funds under the "American Rescue Plan Act of 2021", the "Creating Helpful Incentives to Produce Semiconductors and Science Act of 2022" (CHIPS Act), or other similar federal legislation.

The CHIPS zone tax credit program created by the act is similar to the enterprise zone tax credit program in that a local government may propose an area for designation as a CHIPS zone, which designation may promote the local economy through incentivizing businesses to locate in the area. A taxpayer located in a CHIPS zone may be eligible to claim an income tax credit under existing enterprise zone statutes for the taxpayer's qualified investments, business facility employees, or research and experimental activities. However, the tax benefits of CHIPS zones are only available to taxpayers engaged in semiconductor manufacturing, as that term is defined under the CHIPS Act.

All CHIPS zone tax credits must be precertified by the CHIPS zone administrator. All such credits may be used to offset a taxpayer's income tax liability or carried forward for a period not to exceed 12 years. Or, if the credits are included in a refund certificate approved by the commission pursuant to the refund mechanism, they may be used to claim a refund of 80% of the total amount of the credits.

CHIPS zones may be modified or terminated at the discretion of the commission beginning in income tax year 2023 and through income tax year 2040; however, all CHIPS zones will terminate as a matter of law on December 31, 2040.

The act creates, within the office of economic development (office), a temporary task force comprised of state legislators, representatives of the office, and citizens with industry experience to study the effectiveness of financial incentives and other resources intended to attract and promote the development of advanced manufacturing and other science, technology, engineering, or math (STEM) companies in Colorado during the 2023 legislative interim. The task force is required to report its findings to the general assembly and the governor by a specified date.

The act amends the law regarding confidential taxpayer information to allow the department of revenue to disclose pertinent information to the office as necessary to administer the CHIPS zone tax credit program. For th 2023-24 state fiscal year, \$300,1098 is appropriated from the general fund

to the department of revenue and \$117,583 is appropriated from the general fund to the office of the governor for implementation of the act.

APPROVED by Governor May 20, 2023

EFFECTIVE May 20, 2023

H.B. 23-1272 Tax policy - advancing decarbonization - income tax credits - temporary specific ownership tax reduction for certain electric trucks - temporary severance tax credit reduction - appropriation. Section 2 of the act extends the innovative motor vehicles income tax credit for the purchase or lease of electric motor vehicles and plug-in hybrid electric motor vehicles that weigh 8,500 pounds or less through 2028 and adjusts the amount of the credit that may be claimed, including with certain allowances for additional credit amounts for vehicles purchased or leased at a location that allows the credit to be assigned and is assigned to a motor vehicle dealer or financing entity and for vehicles that have a manufacturer's suggested retail price below \$35,000. The amount of the credit for the purchase or lease of a category 1 vehicle is as follows:

- \$5,000 on or after July 1, 2023, but before January 1, 2025;
- \$3,500 on or after January 1, 2025, but before January 1, 2026;
- \$1,500 on or after January 1, 2026, but before January 1, 2027;
- \$1,000 on or after January 1, 2027, but before January 1, 2028;
- \$500 on or after January 1, 2028, but before January 1, 2029;
- An additional \$600 may be claimed by a financing entity or motor vehicle dealer assigned the credit by the purchaser on or after January 1, 2024, but before January 1, 2026; and
- An additional \$2,500 on or after January 1, 2024, but before January 1, 2029, for a category 1 motor vehicle with a manufacturer's suggested retail price below \$35,000.

However, the credit cannot be claimed for vehicles that have a manufacturer's suggested retail price of \$80,000 or more. Additionally, if, for any one of the state fiscal years 2025-26, 2026-27, or 2027-28, state revenues that are not excluded from state fiscal year spending are not projected to increase by at least 4% for the next fiscal year, then for any income tax year commencing in the calendar year that begins in that fiscal year, the amount of the credit is reduced by 50%, and if the amount of the reduced credit is at or below \$500, then no credit is allowed for such a tax year.

Section 3 extends the income tax credit for the purchase or lease of an innovative light-duty truck through 2028, extends the income tax credit for the purchase or lease of an innovative medium-duty or heavy-duty truck through ~~tax year~~ 2032, and adjusts the amount of the credit that may be claimed. The amount of credit in an income tax year for the lease or purchase of a category 7 light-duty passenger motor vehicle over 8,500 pounds gross vehicle weight rating or a light-duty electric truck is as follows:

- \$5,000 on or after January 1, 2024, but before January 1, 2025;
- \$3,500 on or after January 1, 2025, but before January 1, 2026;
- \$1,500 on or after January 1, 2026, but before January 1, 2027;
- \$1,000 on or after January 1, 2027, but before January 1, 2028; and
- \$500 on or after January 1, 2028, but before January 1, 2029.

The amount of the credit in an income tax year for the lease or purchase of a category 7 medium-duty electric truck is as follows:

- \$12,000 on or after January 1, 2024, before January 1, 2026; and

- \$4,000 on or after January 1, 2026, but before January 1, 2033.

The amount of the credit in an income tax year for the lease or purchase of a category 7 heavy-duty truck is as follows:

- \$12,000 on or after January 1, 2024, but before January 1, 2026; and
- \$8,000 on or after January 1, 2026, but before January 1, 2033.

However, for light-duty trucks, if, for any one of the state fiscal years 2025-26, 2026-27, or 2027-28, state revenues that are not excluded from state fiscal year spending are not projected to increase by at least 4% for the next fiscal year then for any income tax year commencing in the calendar year that begins in that fiscal year, then the amount of the credit is reduced by 50%, and if the amount of the reduced credit is at or below \$500, then no credit is allowed for such a tax year.

Additionally, under current law, the innovative motor vehicles tax credit and the innovative trucks tax credit may be assigned by a purchaser to the entity that finances the purchase or lease of the vehicle. Section 2 and 3 expand the purchaser's ability to assign the credits to a motor vehicle dealer in addition to a financing entity. For income tax years commencing on or after January 1, 2024, sections 2 and 3 also allow a tax exempt person or political subdivision of the state to claim or assign the tax credit.

Section 4 terminates an existing heat pump tax credit so that it is allowed only for income tax years beginning on and after January 1, 2023, but before January 1, 2024.

Section 5 creates a refundable income tax credit allowable in tax years commencing on or after January 1, 2024, but before January 1, 2033, for the owner of an industrial facility that undertakes a industrial study (study) or puts greenhouse gas emissions reduction improvements (improvements) into service. The credit is administered by the Colorado energy office (office). The amount of credit that can be claimed for an industrial study is 30% of the costs paid for completing the study up to \$1 million. The amount of credit that can be claimed for improvements is 30% of the capital costs paid by the owner, not including the cost for design; except that:

- The credit must be claimed in an amount of at least \$75,000 and no more than \$5,000,000; and
- For certain improvements that have the potential to significantly reduce greenhouse gas emissions but are not yet commercially available, the office may approve a higher percentage to be claimed of up to 50%.

Owners must apply for the credit to the office during semi-annual cycles and the office conducts a merit-based review of the applications to grant reservations for credits. Upon completion of a study or upon putting the improvements into service, the office issues the owner a tax credit certificate to claim the credit in the amount reserved to the owner. The availability of the credit is subject to an aggregate cap each application period, and the office may reserve to the owner a credit amount that is less than the statutory amount that can be claimed. If the aggregate maximum amount is not claimed in a tax year, the aggregate maximum amount in the next income tax year is increased by an amount equal to the excess amount. If in the 3-year period following the improvements being put into service, the improvements are not, notwithstanding circumstances evaluated and determined by the office to be justified, in use at the location previously identified and approved or owned by the owner, the tax credit the owner received for the improvements is subject to recapture.

Section 6 creates a refundable tax credit allowable in tax years commencing on or after

January 1, 2024, but before January 1, 2033, for an expenditure that an eligible taxpayer makes in connection with a geothermal energy project, which is a project in the state that is intended to evaluate and develop a geothermal resource for the purpose of electricity production. Eligible taxpayers must apply for the credit to the office during semi-annual cycles. The office is required to approve geothermal energy projects that can receive a qualified expenditure made by an eligible taxpayer. The office sets the amount of credit an eligible taxpayer may receive and reserves the amount of credit for the income tax year in which the eligible taxpayer anticipates making the expenditure; except that an eligible taxpayer cannot receive a tax credit in an aggregate amount of more than \$5 million for all income tax years in which the credit can be claimed per approved geothermal energy project. Subject to specified limits on the maximum amount of credits that the office may approve and that an eligible taxpayer may receive, the office issues a tax credit certificate in the reserved amount of tax credit after an eligible taxpayer submits a cost certification of the qualified expenditure.

Section 7 creates a refundable tax credit for income tax years beginning on or after January 1, 2024, but before January 1, 2033, that is administered by the office and is available to a person subject to income tax or a person or political subdivision of the state exempt from income tax that produces geothermal electricity for sale or for the person or political subdivision's own use. The credit amount is equal to \$0.003 per kilowatt hour of geothermal electricity that is produced in the state in the tax year, up to a maximum amount of \$1 million.

Section 8 creates a new refundable income tax credit for the installation of heat pump technology or a thermal energy network for income tax years commencing on or after January 1, 2024, but before January 1, 2033. The office is responsible for maintaining a list of eligible taxpayers who meet certain industry criteria and who are allowed the credit for the installation of heat pump technology or a thermal energy network if the eligible taxpayer provides a discount from the amount charged for installation, unless the eligible taxpayer installs their own heat pump technology or thermal energy network. The amount of the tax credit is calculated based on the applicable percentage, set annually by the office, of a flat dollar amount which depends on the type of heat pump technology installed and the year the credit is claimed. The calculation of the amount of allowable credit may be modified depending on whether the heat pump technology is installed at a multifamily property, at a nonresidential building, or for a thermal energy network or campus. However, for heat pump technology that is installed in an existing residential building or nonresidential building, if, for any one of the state fiscal years 2025-26 through 2032-33, state revenues that are not excluded from state fiscal year spending are not projected to increase by at least 4% for the next fiscal year, then for any income tax year commencing in the calendar year that begins in that fiscal year, the amount of the credit is reduced by 50%, and if the amount of the reduced credit is at or below \$250, then no credit is allowed for such a tax year.

Section 9 creates a refundable income tax credit for income tax years commencing on or after January 1, 2024, but before January 1, 2033, for the sale of new qualified electric bicycles in the state; except that for the income tax year commencing on January 1, 2024, the credit is only allowed for retail sales made on or after April 1, 2024, but on or before December 31, 2024. The credit is allowed in the amount of \$500 to a qualified retailer who sells a qualified electric bicycle to a resident of the state who has not purchased a discounted qualified electric bicycle in the same income tax year for which a tax credit was claimed by a qualified retailer and offers a discount equal to the lesser of \$450 or the purchase price. The qualified retailer may retain from the credit an administrative fee not to exceed \$50. If, for any one of the state fiscal years 2025-26 through 2032-33, state revenues that are not excluded from state fiscal year spending are not projected to increase by at least 4% for the next fiscal year, then for any income tax year commencing in the calendar year that begins in that fiscal year, the amount of the credit, the required discount amount,

and the allowable administrative fee are each reduced by 50%.

Section 10 creates a refundable income tax credit for income tax years commencing on or after January 1, 2024, but before January 1, 2033, for a percentage of the actual costs incurred to construct, reconstruct, or erect a sustainable aviation fuel production facility in the state. The credit can be claimed by an aviation business, a sustainable aviation fuel producer, or an airport for the income tax year in which the production facility is put in service and is subject to the following aggregate caps for each income tax year for which the credit can be claimed.

- For the 2024 income tax year, the aggregate amount of all tax credit certificates issued to taxpayers must not exceed \$1 million;
- For the 2025 and 2026 income tax years, the aggregate amount of all tax credit certificates issued to taxpayers must not exceed \$2 million for each year; and
- For the 2027 through 2032 income tax years, the aggregate amount of all tax credit certificates issued to taxpayers must not exceed \$3 million for each year.

Additionally, the credit is subject to recapture if the sustainable aviation fuel production of a facility comprises less than 60% of the total fuel production of the facility in any of the 3 taxable years immediately following the taxable year that the facility was placed in service.

Section 11 creates a mechanism to allow for advance payment of income tax credits to a motor vehicle dealer or financing entity that has been assigned the innovative motor vehicle tax credit or innovative truck tax credit, or to a qualified retailer for the electric bicycle tax credit.

Section 12 terminates an existing sales and use tax exemption for heat pump systems and heat pump water heaters used in commercial or residential buildings so that it is allowed only for income tax year beginning on or after January 1, 2023, but before January 1, 2024.

Section 13 reduces the severance tax credit allowed for oil and gas production. Under current law, the amount of credit allowed is calculated by applying rate of 87.5% of all ad valorem taxes assessed during the taxable year for accrual basis taxpayers or paid during the taxable year by cash basis taxpayers upon oil and gas, oil and gas leaseholds and leasehold interests, and oil and gas royalties and royalty interests. The act reduces the rate to 75% for 2024 and 2025. For the tax year beginning on January 1, 2026, the act modifies the calculation for the oil and gas tax that otherwise would have been implemented in tax year 2025 by making a parallel downward adjustment so that the amount of credit is derived by multiplying 65.625% of the gross income of the well by the mill levy fixed in the prior calendar year. For tax years beginning on or after January 1, 2027, the act provides that the amount of credit is derived as it otherwise would be under existing law, by multiplying 76.56% of the gross income of the well by the mill levy fixed in the prior calendar year.

Section 14 requires that for state fiscal years 2024-25 through 2026-27, the revenue collected that is equal to the amount attributable to the decreased amount of severance tax credit allowed for oil and gas production is credited to the decarbonization tax credits administration cash fund; except that on or before July 1, 2025, revenue must first be credited to the cash funds used for state fiscal years 2023-24 and 2024-25 by the office and the department of revenue (department) for the administration of the tax credits created by the act so that all administrative costs are repaid to the cash funds. Additionally, the stakeholder group that was required to convene pursuant to House Bill 22-1391, "Concerning the state severance tax on oil and gas", is required to additionally consider long-term changes for the severance tax credit for oil and gas production, and the date on which the implementation plan the stakeholder group is required to submit to the joint budget committee is extended by one year to January 15, 2025.

Section 15 creates a partial specific ownership tax exemption on or after January 1, 2024, but before January 1, 2033, for new class A or class B personal property that is a fleet vehicle and meets the definition of a category 7 truck for purposes of the innovative truck tax credit.

Section 16 requires the office to report to legislative committees of the general assembly on an annual basis the estimated greenhouse gas emissions reductions that are attributable to the tax credits created in the act and to report annually on standards that the office adopts, amends, modifies, changes, or repeals for the implementation of the tax credits created in the act that are administered by the office. If the office does not adopt, amend, modify, change, or repeal any standards in the preceding year, the office is not required to report to the legislative committees regarding its standards in that year.

Section 17 gives the office and, subject to annual appropriation, the department the authority to expend money from the industrial and manufacturing operations clean air grant program cash fund for state fiscal years 2023-24 and 2024-25 to administer and implement the industrial clean energy tax credit that is created in section 5 and the sustainable aviation fuel production facility tax credit that is created in section 10. Section 17 also prohibits industrial and manufacturing operations clean air grants from being awarded for greenhouse gas emissions reduction improvements at industrial facilities for which and industrial clean energy tax credit is received.

Section 18 gives the office and, subject to annual appropriation, the department the authority to expend money from the geothermal energy grant fund for state fiscal years 2023-24 and 2024-25 to administer and implement the tax credit that is created in section 6 for expenditures made in connection with a geothermal energy project, the geothermal electricity generation production tax credit that is created in section 7, and the heat pump technology and thermal energy network tax credit that is created in section 8.

Section 19 gives the office and, subject to annual appropriation, the department the authority to expend money from the community access to electric bicycles cash fund for state fiscal years 2023-24 and 2024-25 to administer and implement the electric bicycle tax credit created in section 9.

Section 20 gives, subject to annual appropriation, the office and the department the authority to expend money from the electrifying school buses grant program cash fund for state fiscal years 2023-24 and 2024-25 to administer and implement the changes made to the innovative motor vehicles and innovative trucks tax credits set forth in sections 2 and 3 and to administer the specific ownership tax rate reduction for electric medium-duty and heavy-duty trucks that are part of a fleet created in section 15.

Section 21 creates the decarbonization tax credits administration cash fund for use by the office and the department to implement and administer the tax credits that are extended or created in this act. Expenditures from the fund are for state fiscal years 2023-24 through 2034-35 and are subject to annual appropriation. The fund consists of money that is credited to the fund attributable to revenue collected that is equal to the amount attributable to the decreased amount of severance tax credit allowed for oil and gas production and any other money the general assembly may appropriate or transfer to the fund. On June 30, 2024, June 30, 2025, and June 30, 2026, the treasurer is required to transfer all unexpended and unencumbered money in the fund to the general fund; except that there must remain a balance of no less than \$100,000 of unexpended and unencumbered money in the fund. On July 1, 2036, the state treasurer is required to transfer all money in the fund to the general fund.

Section 22 specifies that an existing enterprise zone income tax credit for investments in certain property cannot be claimed for an improvement for which the industrial clean energy tax credit created in section 5 or a project for which the geothermal energy project tax credit created in section 6 or the geothermal electricity generation production tax credit created in section 7 is claimed.

For state fiscal year 2023-24, the act makes appropriations of \$149,729 to the department and \$63,921 to the department of personnel for implementation of the act.

APPROVED by Governor May 11, 2023

EFFECTIVE May 11, 2023

H.B. 23-1277 Income tax - pass-through entities - C-corporations - reporting adjustments - deadlines. The act changes how pass-through entities may elect to pay taxes, specifies how to report and account for adjustments to federal taxable income, and changes the due date for filing a C-corporation income tax return.

Partnerships and S corporations (pass-through entities) have had 3 options for ensuring that the income taxes owed by nonresident owners will be paid. Pass-through entities have been able to file a composite return on behalf of these owners, withhold an estimated tax payment, or collect and file an agreement that the owner will file a separate return. For income tax years beginning on and after January 1, 2024, section 1 of the act consolidates the composite return and withholding options and clarifies the calculation of the required payment.

Section 2 adopts the multistate tax commission's model statute for reporting adjustments to federal taxable income. When federal taxable income is adjusted by the internal revenue service, or by the taxpayer through an amended federal return, the taxpayer must also report that change to the state. Those changes have had to be reported within 30 days and new federal centralized partnership audit procedures have not been addressed. The act provides additional time for reporting adjustments and allows pass-through entities to handle adjustments at the entity level on behalf of their owners.

Section 3 changes the due date for income tax returns by C corporations. State income tax returns have had to be filed by C corporations by April 15, and prior to 2017, the federal income tax return deadline for C corporations was March 15. This meant that the state's April 15 due date and October 15 extension deadline was one month after the federal due date. In 2017, congress moved the federal due date for C corporations to April 15. Section 3 restores the one-month lag by changing the state due date to May 15, with a November 15 extension deadline.

APPROVED by Governor June 1, 2023

PORTIONS EFFECTIVE January 1, 2024

PORTIONS EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and portions of it take effect 90 days after sine die.

H.B. 23-1284 Property tax - real property entitled to property tax deferral - income-producing property - total value of liens of mortgages and deeds of trust. A person who is at least 65 years of age or who is a person called into military service may elect to defer the payment of real property taxes. Other residential real property owners may also defer the payment of a portion of real property taxes under certain circumstances. For all 3 categories of taxpayers who are eligible to defer the payment of real property taxes, the property for which the deferral is claimed cannot be

income-producing. Beginning in the 2023 property tax year, the act specifies that the prohibition against the property being income-producing does not apply if the taxpayer claiming the deferral is at least 65 years of age, is a person called into military service, or is the surviving spouse of such a taxpayer.

For a property owner called into military service or a property owner who is not called into military service and is not at least 65 years of age but is otherwise eligible to claim a property tax deferral, to be eligible for the property tax deferral the total value of all liens of mortgages and deeds of trust on the property must be less than or equal to 90% of the actual value of the property (90% requirement). For property tax years commencing on or after January 1, 2023, the act specifies that the 90% requirement does not apply if the owner of the property is a person called into military service and has a home loan guaranteed by the veterans administration of the United States.

APPROVED by Governor June 1, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1290 Referred measure - voter approval to retain and spend revenue - new tax on nicotine products - increase taxes on cigarettes and tobacco products - preschool programs cash fund - ballot title. The act refers a ballot issue to the voters at the November 7, 2023, statewide election to allow the state to retain and spend state revenues that would otherwise need to be refunded for exceeding the estimate in the ballot information booklet analysis for proposition EE and to allow the state to maintain the tax rates established in proposition EE that would otherwise need to be decreased. If voters reject the ballot issue, the state will both:

- Refund \$23.65 million to distributors and wholesalers in a reasonable manner determined by the department of revenue; and
- Reduce by 11.53% the tax rates of the taxes on cigarettes, tobacco products, and nicotine products created or increased by proposition EE.

If voters approve the ballot measure:

- The money set aside for the potential refund related to proposition EE will instead be transferred to the preschool programs cash fund and the general fund; and
- The new tax on nicotine products and the increased taxes on cigarettes and tobacco products in proposition EE will stay at the rates required by proposition EE.

The refund or alternative spending is made or backfilled from revenue in the newly created proposition EE cash fund, which consists of \$23.65 million from the preschool programs cash fund and the general fund.

APPROVED by Governor June 2, 2023

EFFECTIVE June 2, 2023

H.B. 23-1311 Taxpayers bill of rights - fiscal year spending limit - refunds - identical amounts - proposition HH. If the state exceeds its fiscal year spending limit, it is required to refund the excess state revenues (TABOR refund). The act changes the way the state will distribute a TABOR refund for the 2022-23 state fiscal year. Currently, there are 3 different methods to effectuate a TABOR refund:

- A reimbursement to counties for property tax revenue reductions as a result of the senior and veteran property tax exemption;
- A reimbursement to counties for reductions in property tax revenues due to reductions in valuation for assessment; and
- A six-tier sales tax refund for individual taxpayers under which refunds increase, based on the tiers, as a taxpayer's income increases.

The act creates a new temporary refund mechanism (temporary TABOR refund), which is contingent on the voters approving proposition HH at the November 7, 2023, statewide election, that replaces the sales tax refund mechanism for the 2022-23 state fiscal year. Under this mechanism, each qualified individual is eligible to receive an identical refund payment from the remaining excess state revenues from all sources after refunds are made through the county reimbursement mechanisms (remaining excess state revenues). A qualified individual filing a single return is entitled to one temporary TABOR refund, and 2 qualified individuals filing a joint return are entitled to 2 temporary TABOR refunds.

APPROVED by Governor May 24, 2023

PORTIONS EFFECTIVE May 24, 2023
PORTIONS EFFECTIVE January 1, 2024

NOTE: Section 2 of the act states that section 1 of the act takes effect only if, at the November 2023 statewide election, a majority of voters approve the ballot issue submitted for their approval or rejection pursuant to section 24-77-202, C.R.S., as enacted by Senate Bill 23-303 and that if the voters at the November 2023 statewide election approve the ballot issue, then section 1 of this act takes effect on the later of January 1, 2024, or the date of the official declaration of the vote thereon by the governor.

TRANSPORTATION

S.B. 23-268 Transportation project planning - required information in 10-year transportation plan - designated contact for project information - reporting. For each transportation project identified in the 10-year transportation plan (plan) prepared by the department of transportation (department) under the direction of the transportation commission (commission), section 1 of the act requires the following information to be specified and regularly updated as circumstances change:

- The time frame for project completion;
- The total estimated amount of funding required to complete the project; and
- Accounting for the total estimated amount of funding for the project, and the amount of funding from each funding source that has been allocated for the project or is anticipated to be allocated for the project. The plan must always identify specific funding sources and amounts that taken together account for full funding for each project identified in the plan but may indicate, both with respect to the plan generally and with respect to any specific project, the extent to which and reasons why the source and amounts of funding listed are uncertain and subject to change.

Section 1 also requires the department to provide to state and local government elected officials a designated and readily available department contact to receive and respond to their questions about the status and funding of specific transportation projects and to inform such elected officials of the existence of the designated contact and the means by which the designated contact may be reached.

Section 2 requires the department to annually report to the transportation legislation review committee (TLRC) on the status of project delivery for the projects identified in the plan and requires the commission to include an update on the plan in its annual proposed budget allocation plan presented to the joint budget committee. As part of its reporting to the TLRC, the department is required to provide guidance to the TLRC as to how to access and understand the plan, and the TLRC may, if it determines that the plan does not include all the information required by section 1, instruct the department to ensure that any missing required information is promptly added to the plan.

APPROVED by Governor June 6, 2023

EFFECTIVE September 1, 2023

NOTE: This act was passed without a safety clause.

H.B. 23-1022 License plates - transferability between fleet vehicles - appropriation. A license plate expires when the owner transfers or assigns the title or interest in the associated motor vehicle and that the owner cannot transfer such a license plate to another motor vehicle. The act exempts license plates issued to the operator of a motor vehicle fleet (fleet operator) that are easily legible and in good condition from such expiration and allows a fleet operator to transfer license plates from one fleet vehicle to another when the fleet operator transfers or assigns the owner's title or interest in the fleet vehicle from which the number plates are being transferred.

For state fiscal year 2023-24, the act appropriates \$2,700 from the Colorado DRIVES vehicle services account in the highway users tax fund to the department of revenue.

APPROVED by Governor April 24, 2023

EFFECTIVE January 1, 2024

NOTE: This act was passed without a safety clause.

H.B. 23-1048 Usage of delineator posts on 2-lane state highways in areas of active farming or other oversize loads. The act requires the Colorado department of transportation (department) to stagger delineator posts every 1/10th of a mile and to consider implementing flexible delineator posts and other engineering solutions to accommodate the needs of all vehicles when it constructs a new 2-lane state highway or when it repaves or repairs an existing 2-lane state highway if farming or other oversize loads actively utilize that section of the highway.

The act clarifies that it does not require delineator posts to be placed where they are not deemed necessary by the department of transportation.

APPROVED by Governor June 5, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1101 Transit support - ozone season transit grant program flexibility - study of transportation planning regions and transportation planning process representation and transparency. Section 2 of the act increases the flexibility of the ozone season transit grant program by:

- Allowing an eligible transit agency that operates in an area in which ozone-causing traffic levels are typically highest during a different period than June 1 to August 31 of a calendar year to identify a different period of the calendar year for its "ozone season" in an application for a grant to offer fare-free service during the identified period;
- Specifying that if the Colorado energy office (CEO) awards a grant for a year to a transit association or to the regional transportation district in an amount that is less than the applicable maximum amount allowed by law, then the maximum amount of such a grant that the CEO may award for the next year is increased by an amount equal to the amount that could have been but was not awarded for the prior year;
- Specifying that a grant recipient may use grant money for reasonable marketing expenses incurred to raise awareness of free service and increase ridership and to conduct rider surveys to better measure the impact of the program on ridership and vehicle miles traveled in private motor vehicles;
- Clarifying that an eligible transit agency may use grant money to expand free services or free routes or increase the frequency of service on routes for which free service is already offered; and
- Allowing the regional transportation district to use grant money to cover the full costs, rather than up to 80% of the costs, of providing at least 30 days of free transit on all services that it offers.

On or before November 30, 2023, section 3 requires the department of transportation to complete a study and study report of the boundaries of the transportation planning regions of the state (TPRs), the membership of the transportation advisory committee and the special interim transit

and rail advisory committee, and the consistency and transparency of the transportation planning process across the transportation planning regions. The study must include consideration of specified matters and shall not include any recommendation that, if adopted, would reduce the number of rural TPRs. Before June 1, 2024, the transportation commission, taking into consideration the findings of the study, is required to initiate updates to its rules concerning the statewide transportation planning process and TPRs.

On and after September 1, 2023, section 5 requires the governing body of the transportation planning organization for each TPR to include at least one voting representative to represent all transit agencies in the TPR. The representative must be appointed by the transit agency or, if multiple transit agencies provide service in the transportation planning region, by agreement of the transit agencies. Section 4 defines the term "transportation planning organization" as used in section 5.

Section 6 increases the maximum rate of sales or use tax, or both, that a regional transportation authority (RTA) may impose, with voter approval, from one percent to 2%. Section 6 also makes permanent the existing power of a RTA to impose, with voter approval, a uniform mill levy of up to 5 mills, which power would otherwise expire at the end of the 2028 property tax year.

APPROVED by Governor April 28, 2023

EFFECTIVE April 28, 2023

H.B. 23-1102 High-visibility alcohol and drug impaired driving prevention enforcement episodes - local law enforcement - funding - requirements. The act requires the transportation commission to annually allocate \$1.5 million from the state highway fund to the department of transportation for allocation to the office of transportation safety (office), which will then distribute the money to local governments that implement high-visibility alcohol and drug impaired driving prevention enforcement episodes.

The act also requires local law enforcement agencies to follow written policies and procedures about racial profiling and use of force, complete in-service training annually, implement a recognizable pattern by which vehicles are stopped to prevent a bias-motivated stop, and locate checkpoints in areas where drunk or impaired driving crashes are likely to occur. No money may be allocated to a law enforcement agency subject to a judicially-ordered consent decree. In collaboration with the department of public safety, the office will publish an annual report. A law enforcement agency not complying with the requirements of the act may lose funding or be required to pay back funding already received. The attorney general may bring a civil action to enforce the act.

APPROVED by Governor June 5, 2023

EFFECTIVE June 5, 2023

H.B. 23-1276 Department of transportation - bridge and tunnel enterprise - designated bridge and tunnel projects - preventative maintenance. The bridge and tunnel enterprise (BTE) in the department of transportation (department) completes tunnel projects and finances, repairs, reconstructs, replaces, and maintains designated bridges in the state. A designated bridge is a bridge that is part of the state highway system and that the department has identified as structurally deficient or functionally obsolete and has rated as poor.

The act expands the scope of the BTE to include the completion of preventative maintenance bridge projects, which are projects that involve a treatment or strategy to extend the service life of a fair-rated or good-rated bridge by preventing, delaying, or reducing deterioration.

The act authorizes the BTE to repair, reconstruct, replace, and maintain a bridge that the department has rated as fair if the fair-rated bridge is included as part of a project to repair, reconstruct, replace, or maintain a designated bridge.

APPROVED by Governor May 15, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

WATER AND IRRIGATION

S.B. 23-177 Department of natural resources - division of water resources - Colorado water conservation board - water projects - transfers - appropriations. The act appropriates the following amounts for the 2023-24 state fiscal year from the Colorado water conservation board (CWCB) construction fund to the CWCB or the division of water resources in the department of natural resources for the following projects:

- Continuation of the satellite monitoring system, \$380,000;
- Continuation of the floodplain map modernization program, \$500,000;
- Continuation of the weather modification permitting program, \$500,000;
- Continuation of the watershed restoration program, \$500,000;
- Continuation of the Colorado Mesonet project, \$150,000;
- Continuation of the weather forecasting partnership project, \$1,000,000;
- Support for the division of water resources mobile field data collection application project, \$800,000;
- Continuation of the reservoir enlargement assessment project, \$1,000,000;
- Support for the central Colorado water conservancy district augmentation efficiency project, \$3,000,000; and
- Support for the state water plan advancement project, \$2,000,000.

The act directs the state treasurer to transfer the following amounts on July 1, 2023, from the severance tax perpetual base fund to the CWCB construction fund, and appropriates those amounts from the CWCB construction fund to the CWCB for the following projects:

- Continuation of the Platte river recovery implementation program, \$19,000,000;
- Support for the upper Colorado river endangered fish recovery program and the San Juan river basin recovery implementation program, \$15,000,000; and
- Additional and continued support for the Frying Pan - Arkansas project, \$20,000,000.

The act directs the state treasurer to transfer the following amounts from the CWCB construction fund on July 1, 2023:

- \$2,000,000 to restore the fish and wildlife resources fund;
- Up to \$2,000,000 to the CWCB litigation fund to assist in addressing legal issues associated with compact compliance and other litigation activities; and
- \$2,000,000 to the water plan implementation cash fund for continuation of the water plan implementation grant program.

The act appropriates \$25,200,000 of sports betting revenues from the water plan implementation cash fund to the CWCB to fund grants that will help implement the state water plan.

The act appropriates \$8,000,000 from the wildlife cash fund to the division of parks and wildlife to purchase up to 924 acre-feet of orphan shares from the CWCB as part of the Chatfield reservoir reallocation project.

APPROVED by Governor June 5, 2023

EFFECTIVE June 5, 2023

S.B. 23-237 Water plan implementation cash fund - transfer from severance tax operational fund. On June 30, 2023, the state treasurer is required to transfer \$12.6 million from the severance tax operational fund to the water plan implementation cash fund.

APPROVED by Governor April 20, 2023

EFFECTIVE April 20, 2023

S.B. 23-295 Colorado river drought task force - sub-task force to study tribal matters - report - appropriation. The act creates the Colorado river drought task force (task force). The members of the task force must, to the extent practicable, reflect the racial and ethnic diversity of the state and have experience with a wide range of water issues.

The act directs the executive committee of the legislative council to hire a facilitator to support the work of the task force. The task force must begin meeting no later than July 31, 2023, and may hold up to 12 meetings in the 2023 legislative interim.

The purpose of the task force is to develop recommendations for state legislation that provides additional tools for the Colorado water conservation board to collaborate with the Colorado river water conservation district, the southwestern water conservation district, and other relevant stakeholders in the development of programs that address drought in the Colorado river basin and interstate commitments related to the Colorado river and its tributaries through water conservation (recommendations).

The act also requires the task force to establish a sub-task force to study tribal matters (sub-task force) and provide additional recommendations for state legislation.

No later than December 15, 2023, the task force and sub-task force must submit a report that includes the recommendations and a summary of the task force's and sub-task force's work to the water resources and agriculture review committee.

The act is repealed July 1, 2024.

For the 2023-24 state fiscal year, the act appropriates \$200,000 to the legislative department for use by the legislative council to implement the act.

APPROVED by Governor May 20, 2023

EFFECTIVE May 20, 2023

H.B. 23-1125 Conveyance of water rights - groundwater wells - modifications to registration requirements. Current law requires that the owner of a groundwater well (well) permit file any change in name or contact information with the state engineer in person, by mail, or by fax. The act removes the requirement that the filing be in person, by mail, or by fax.

Current law requires the buyers of certain wells to complete a change in owner name form before the closing of the transaction. The act removes the requirement that the form be submitted before the closing of the transaction.

The act clarifies that if an existing well being sold has not been registered with the division of water resources (division), the buyer of the well must submit a registration of existing well form to the division within 63 days after closing the transaction.

Current law states that the division is responsible for obtaining the necessary well registration information from the buyer after the purchase of a well. The act removes this requirement and clarifies that a person who provides a closing service in connection with the purchase of a well must submit a change in owner name form for the well to the division, even if the well has not yet been registered with the division.

If a change in owner name form does not include a well permit number, the act requires the division to instruct the buyer of a well to complete a new change in owner name form or registration of existing well form and requires the buyer to submit the applicable form to the division.

APPROVED by Governor March 31, 2023

EFFECTIVE August 7, 2023

NOTE: This act was passed without a safety clause and takes effect 90 days after sine die.

H.B. 23-1220 Interstate compact compliance - Republican river basin - groundwater withdrawal elimination - study of economic effects of noncompliance - appropriation. In 1942, Colorado entered into an interstate compact (compact) with Nebraska and Kansas regarding the allocation of water from the Republican river basin (basin). Colorado ratified the compact in 1943. In 2016, Colorado, Nebraska, and Kansas signed a resolution (resolution) regarding a dispute about Colorado's compliance with the compact, through which resolution and its amendment Colorado agreed to retire 25,000 acres of irrigated acreage in the basin by 2029.

The act requires the Colorado water center (center) in the Colorado state university to study the anticipated economic effects of the forced elimination of groundwater withdrawals within and surrounding the Colorado portion of the Republican river basin that could occur if Colorado fails to comply with the resolution. The center is required to prepare a progress report and, on or before January 1, 2026, a final report of the center's findings and conclusions from the study and to post both reports on the center's website. The center must present the progress and final reports to certain legislative committees.

For the 2023-24 state fiscal year, the act appropriates \$146,286 from the general fund to the department of higher education for allocation to the Colorado water center.

APPROVED by Governor June 3, 2023

EFFECTIVE June 3, 2023

CONCURRENT RESOLUTIONS

H.C.R. 23-1001 Judicial discipline - Colorado commission on judicial discipline authority - independent adjudicative board - standards of review - confidentiality - rule-making. The concurrent resolution amends section 23 of article VI of the Colorado constitution as it relates to judicial discipline. The resolution permits the general assembly to provide in law the process for the supreme court to select the judge members of the Colorado commission on judicial discipline (commission). The resolution specifies that the commission may dismiss complaints and repeals the commission's authority to request appointment of special masters.

The resolution repeals the commission's authority to order formal judicial disciplinary proceedings be held before the commission and creates an independent adjudicative board (board) to conduct formal proceedings and hear appeals of the commission's orders imposing informal sanctions. The board is comprised of 4 district court judges, 4 attorneys, and 4 citizens. The resolution prohibits a member of the commission from being appointed to the board and prohibits a member of the board from being appointed to the commission. A randomly selected panel of the board (panel), comprised of one judge, one attorney, and one citizen, conducts formal proceedings in a case. The resolution permits the panel to dismiss a complaint, impose informal sanctions, or impose formal sanctions.

The resolution sets the standards of review to be used by the supreme court when it reviews a panel's decision. The resolution requires a tribunal of 7 randomly selected court of appeals and district judges to review the panel's decision when: The proceedings involve a complaint against a Colorado supreme court justice; a Colorado supreme court justice, a staff member to a justice, or a family member of a justice is a complainant or a material witness in the proceeding; or more than 2 justices have recused themselves from the proceeding. The tribunal reviews the panel's decision in the same manner and using the same standards of review as the supreme court does when it reviews panel decisions.

Under existing law, commission proceedings are confidential until the commission files recommendations with the supreme court. The resolution makes proceedings public at the commencement of formal proceedings but clarifies that appeals of informal remedial sanctions to the board are confidential. The resolution clarifies that a person is absolutely immune from any action for defamation based on papers filed with or testimony before the commission, adjudicative board, supreme court, or a tribunal. The resolution clarifies the circumstances in which the commission may release otherwise confidential information.

The resolution creates a rule-making committee to adopt rules for the judicial discipline process. The rule-making committee consists of 4 members appointed by the supreme court, 4 members appointed by the board, 4 members appointed by the commission, and one victim's advocate appointed by the governor. The rules must include the standards and degree of proof to be applied in judicial discipline proceedings; confidential reporting procedures; and complainant rights. The Colorado rules of evidence and Colorado rules of civil procedure apply to proceedings before a panel until and unless the rule-making committee promulgates rules specifically governing panel proceedings.

H.C.R. 23-1002 Property tax exemption for veterans with a service-connected disability - veteran with a disability. The state constitution allows a veteran who has a service-connected disability rated as a 100% permanent disability to claim a property tax exemption for a portion of the actual value of the veteran's owner-occupied primary residence. The 100% permanent disability requirement can

only be changed through a constitutional amendment.

The concurrent resolution submits a constitutional amendment to the voters of the state at the 2024 general election that will, if approved, expand eligibility for the exemption by allowing a veteran who has individual unemployability status, as determined by the U.S. department of veterans affairs, to claim the exemption. In most cases, to have individual unemployability status, a veteran must be unable to keep a steady job because the veteran either has at least one service-connected disability rated at 60% or more disabling or has 2 or more service-connected disabilities with at least one disability rated at 40% or more disabling and a combined rating of 70% or more disabling.

To conform to the existing public policy of the state that "people first language" be used in new or amended legislation that refers to persons with disabilities, the concurrent resolution also changes the existing defined term "disabled veteran" to "veteran with a disability".

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