A BILL FOR AN ACT

CONCERNING THE USE OF TOBACCO REVENUES GENERATED UNDER
SELECTION 21 OF ARTICLE X OF THE STATE CONSTITUTION IN A
STATE FISCAL EMERGENCY, AND, IN CONNECTION THEREWITH,
MAKING AND REDUCING AN APPROPRIATION.

Bill Summary

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

Joint Budget Committee. Pursuant to the declaration of a state fiscal emergency (emergency declaration), for the 2020-21 fiscal year only, the bill expands the purposes for which tobacco tax revenues in the
tobacco education programs fund and the prevention, early detection, and treatment fund may be used to include any health-related purpose and to serve populations enrolled in the children's basic health plan and the Colorado medical assistance program at the programs' respective levels of enrollment as of January 1, 2005.

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

The bill repeals an obsolete provision of law.

The bill makes and reduces certain appropriations.

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

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

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

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

(B) THIS SUBSECTION (2)(c)(V) IS REPEALED, EFFECTIVE JULY 1, 2021.

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

(VII) (A) Pursuant to the declaration of a state fiscal emergency as described in subsection (6)(e) of this section, notwithstanding any provisions of subsections (2)(d)(II), (2)(d)(III), and (2)(d)(V) of this section to the contrary, for fiscal year 2020-21, the general assembly shall appropriate money in the prevention, early detection, and treatment fund for the purposes described in subsections (2)(d)(II), (2)(d)(III), and (2)(d)(V) of this section, as well as any other health-related purpose and to serve populations enrolled in the children's basic health plan and the Colorado medical assistance program at the programs' respective levels of enrollment as of January 1, 2005.

(B) This subsection (2)(d)(VII) is repealed, effective July 1, 2021.

(2.5) (a) Pursuant to the declaration of a state fiscal emergency as described in subsection (6)(e) of this section, for health-related purposes and notwithstanding any other
PROVISION OF THIS SECTION OR THE TERMS OF THE GRANTS, FOR FISCAL YEAR 2020-21 ONLY, ANY GRANTEE RECEIVING A GRANT PURSUANT TO SUBSECTION (2)(c), (2)(d), OR (2)(f) OF THIS SECTION MAY USE THE MONEY FROM THE GRANT TO INVESTIGATE AND CONTROL THE SPREAD OF COVID-19, INCLUDING BUT NOT LIMITED TO:

(I) DISEASE TESTING AND INVESTIGATION;

(II) COLLECTION AND DISTRIBUTION OF PERSONAL PROTECTIVE EQUIPMENT;

(III) CONTACT TRACING;

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

(V) DISTRIBUTION OF ANY TREATMENTS AND VACCINATIONS.

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

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

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

SECTION 2. Appropriation - adjustments to 2020 long bill.

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

(a) The general fund appropriation for medical services premiums, which is subject to the "(M)" notation as defined in the annual general appropriation act for the same fiscal year, is decreased by $17,753,767; and
(b) The cash funds appropriation for medical services premiums is increased by $17,753,767, which consists of $10,340,160 from the tobacco education programs fund created in section 24-22-117 (2)(c)(I), C.R.S., and $7,413,607 from the prevention, early detection, and treatment fund created in section 24-22-117 (2)(d)(I), C.R.S.

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

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

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

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

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

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

SECTION 3. Effective date. This act takes effect upon passage only if House Joint Resolution 20-____ is approved by a two-thirds majority vote of the members of both houses of the general assembly and the governor, in which case this act takes effect on the effective date of this act or on the date House Joint Resolution 20-____ is approved by the
SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.