

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 21-0759.01 Shelby Ross x4510

SENATE BILL 21-027

SENATE SPONSORSHIP

Pettersen,

HOUSE SPONSORSHIP

Gonzales-Gutierrez and Tipper,

Senate Committees

Health & Human Services
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING EMERGENCY SUPPLIES FOR COLORADO BABIES AND**
102 **FAMILIES, AND, IN CONNECTION THEREWITH, PROVIDING**
103 **DIAPERING ESSENTIALS THROUGH DIAPER DISTRIBUTION**
104 **CENTERS AND MAKING AN APPROPRIATION.**

Bill Summary

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

The bill requires the department of public health and environment to select one or more nonprofit organizations to administer diaper distribution centers that provide diapering essentials to eligible

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
May 6, 2021

individuals. Diapering essentials must be made available to all Colorado residents.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Prior to the COVID-19 pandemic, one in three families
5 reported needing more diapering essentials and with unprecedented
6 unemployment rates due to the pandemic, this need is drastically higher.
7 With 202,608 children under the age of three in Colorado, 67,536 of them
8 experienced the negative effects of diapering-essential needs.

9 (b) The National Diaper Bank Network has seen the demand for
10 diapering essentials increase by as much as 300 percent in some areas of
11 the country and Colorado diaper banks report seeing four times the need
12 for diapering essentials due to the COVID-19 pandemic's impacts on
13 families;

14 (c) Thirty-five percent of Coloradans reported finding it difficult
15 or somewhat difficult to pay for basic necessities after the COVID-19
16 pandemic began, and parents are having to cut back on necessities such
17 as food and rent in order to afford diapering essentials;

18 (d) According to the National Diaper Bank Network, it costs at
19 least \$80 a month to diaper a child and diapering essentials cannot be
20 purchased through other public assistance programs such as the
21 supplemental nutrition assistance program or the women, infants, and
22 children program. Diaper banks' distribution of diapers to low-income
23 families is associated with increases in the personal income of recipients,
24 the elimination of medical expenses, and increases in state tax revenue.

25 (e) Parents report reusing disposable diapers, plastic bags, and

1 toilet paper when they run out of money for diapering essentials, leading
2 to painful diaper rash and health complications for children; and

3 (f) An adequate supply of diapers may prove to be a tangible way
4 of reducing parenting stress, which is a critical factor that influences child
5 health and development.

6 (2) Therefore, the general assembly finds and declares that it is
7 imperative to provide emergency diapering essentials to Colorado babies
8 and families in need.

9 **SECTION 2.** In Colorado Revised Statutes, **add 26-2-140 as**
10 **follows:**

11 **26-2-140. Colorado diaper distribution program - diapering**
12 **essentials - report - rules - definitions.** (1) **AS USED IN THIS SECTION,**
13 **UNLESS THE CONTEXT OTHERWISE REQUIRES:**

14 (a) **"DIAPER DISTRIBUTION CENTER" MEANS A COMMUNITY-BASED**
15 **DIAPER BANK OR DISTRIBUTION CENTER OPERATING IN COLORADO, A**
16 **PUBLIC HEALTH AGENCY CREATED PURSUANT TO SECTION 25-1-506, OR A**
17 **COLORADO NONPROFIT ORGANIZATION WITH A MINIMUM OF THREE YEARS**
18 **EXPERIENCE DISTRIBUTING BABY OR TODDLER PRODUCTS.**

19 (b) **"DIAPERING ESSENTIALS" INCLUDES DIAPERS, WIPES, AND**
20 **DIAPER CREAMS.**

21 (c) **"ELIGIBLE INDIVIDUAL" MEANS A PARENT, GUARDIAN, OR**
22 **FAMILY MEMBER OF A CHILD WHO WEARS DIAPERS AND RESIDES IN**
23 **COLORADO.**

24 (d) **"PROGRAM" MEANS THE COLORADO DIAPER DISTRIBUTION**
25 **PROGRAM CREATED IN SECTION SUBSECTION (2) OF THIS SECTION.**

26 (2) **THERE IS CREATED IN THE STATE DEPARTMENT THE COLORADO**
27 **DIAPER DISTRIBUTION PROGRAM TO PROVIDE DIAPERING ESSENTIALS TO**

1 ELIGIBLE INDIVIDUALS.

2 (3) (a) No LATER THAN THIRTY DAYS AFTER THE EFFECTIVE DATE
3 OF THIS SECTION, THE STATE DEPARTMENT SHALL SOLICIT INTEREST AND
4 COST DISTRIBUTION PROPOSALS FROM DIAPER DISTRIBUTION CENTERS TO
5 ADMINISTER THE PROGRAM. UPON THE STATE DEPARTMENT'S APPROVAL,
6 THE DIAPER DISTRIBUTION CENTERS MAY SUBCONTRACT MONEY RECEIVED
7 PURSUANT TO THIS SECTION TO THEIR PARTNERS AS NECESSARY TO SERVE
8 ELIGIBLE INDIVIDUALS. THE SELECTED DIAPER DISTRIBUTION CENTERS
9 MUST BE OPERATIONAL NO LATER THAN THIRTY DAYS AFTER ENTERING
10 INTO A CONTRACT WITH THE STATE DEPARTMENT. THE SELECTION
11 PROCESS DESCRIBED IN THIS SUBSECTION (3) IS NOT SUBJECT TO THE
12 "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24.

13 (b) NOTWITHSTANDING THE REQUIREMENT IN SUBSECTION (3)(a)
14 OF THIS SECTION, THE SELECTED DIAPER DISTRIBUTION CENTERS MAY
15 OPERATE FOR NOT MORE THAN TWELVE MONTHS AFTER WHICH THE STATE
16 DEPARTMENT MUST COMMENCE A SELECTION PROCESS THAT COMPLIES
17 WITH THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24.

18 (4) THE STATE DEPARTMENT MAY PROMULGATE RULES FOR THE
19 IMPLEMENTATION OF THIS SECTION.

20 (5) FOR THE 2021-22 STATE FISCAL YEAR, THE STATE DEPARTMENT
21 SHALL SUBMIT A PRELIMINARY REPORT, AND BEGINNING IN STATE FISCAL
22 YEAR 2022-23, AND EACH FISCAL YEAR THEREAFTER, THE STATE
23 DEPARTMENT SHALL REPORT TO THE PUBLIC THROUGH THE ANNUAL
24 HEARING, PURSUANT TO THE "STATE MEASUREMENT FOR ACCOUNTABLE,
25 RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT", PART 2
26 OF ARTICLE 7 OF TITLE 2. AT A MINIMUM, THE REPORT MUST INCLUDE:

27 (a) THE TOTAL NUMBER OF DIAPER DISTRIBUTION CENTERS

1 CONTRACTED WITH THE STATE DEPARTMENT PURSUANT TO SUBSECTION
2 (3) OF THIS SECTION, INCLUDING ANY SUBCONTRACTORS;

3 (b) THE TOTAL AMOUNT OF MONEY AWARDED TO EACH DIAPER
4 DISTRIBUTION CENTER;

5 (c) THE LOCATION OF EACH DIAPER DISTRIBUTION CENTER AND THE
6 COUNTIES SERVED; AND

7 (d) THE TOTAL NUMBER OF ELIGIBLE INDIVIDUALS WHO RECEIVED
8 DIAPERING ESSENTIALS EACH YEAR, DISAGGREGATED BY EACH MONTH.

9 (6) FOR STATE FISCAL YEAR 2021-22, AND EACH STATE FISCAL
10 YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE TWO
11 MILLION DOLLARS FROM THE GENERAL FUND TO THE STATE DEPARTMENT
12 FOR USE BY THE DIAPER DISTRIBUTION CENTERS FOR THE IMPLEMENTATION
13 OF THIS SECTION. THE STATE DEPARTMENT MAY USE UP TO ONE HUNDRED
14 THOUSAND DOLLARS OR SEVEN AND A HALF PERCENT OF ANY MONEY
15 APPROPRIATED BY THE GENERAL ASSEMBLY FOR ADMINISTRATIVE COSTS
16 INCURRED BY THE STATE DEPARTMENT PURSUANT TO THIS SECTION.

17 =====
18 **SECTION 3. Appropriation.** For the 2021-22 state fiscal year,
19 \$2,000,000 is appropriated to the department of human services for use
20 by the office of self sufficiency. This appropriation is from the general
21 fund and is based on an assumption that the office will require an
22 additional 1.9 FTE. To implement this act, the office may use this
23 appropriation for the Colorado diaper distribution program.

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