

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

**REVISED**

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

LLS NO. 21-0759.01 Shelby Ross x4510

**SENATE BILL 21-027**

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**SENATE SPONSORSHIP**

**Pettersen and Danielson**, Bridges, Buckner, Fenberg, Garcia, Gonzales, Hansen, Jaquez  
Lewis, Kolker, Lee, Moreno, Rodriguez, Story, Winter

**HOUSE SPONSORSHIP**

**Gonzales-Gutierrez and Tipper**,

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**Senate Committees**

Health & Human Services  
Appropriations

**House Committees**

Public & Behavioral Health & Human Services  
Appropriations

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**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.**

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**Bill Summary**

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

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.*

HOUSE  
Amended 2nd Reading  
June 3, 2021

SENATE  
3rd Reading Unamended  
May 7, 2021

SENATE  
Amended 2nd Reading  
May 6, 2021

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

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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 (3) (a) In addition, the general assembly further finds and declares  
10 that:

11 (I) The federal government enacted the "American Rescue Plan  
12 Act of 2021" to provide support to state, local, and tribal governments in  
13 responding to the impact of COVID-19 and to assist their efforts to  
14 contain the effects of COVID-19 on their communities, residents, and  
15 businesses. Under the federal act, the state of Colorado received over  
16 three billion dollars to be used for the purposes identified in the federal  
17 act;

18 (II) Regulations construing the federal act promulgated by the  
19 United States treasury identify a nonexclusive list of uses that address a  
20 broad range of public health needs exacerbated by the pandemic. Under  
21 these regulations, funds may be used for addressing the negative  
22 economic impacts caused by the public health emergency, including food  
23 assistance for households facing food insecurity; and

24 (III) The COVID-19 public health emergency has created an  
25 exponential need for emergency food resources for all emergency food  
26 providers and has upended many Colorado families' economic security  
27 and resulted in hunger insecurity.

1 (b) Therefore, the general assembly declares that the food pantry  
2 assistance program funded by transfers in this bill are appropriate uses of  
3 the money transferred to Colorado under the federal act. This money will  
4 be put to expeditious and efficient use in expanding access to food  
5 assistance across the state.

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

8 **26-2-140. Colorado diaper distribution program - diapering**  
9 **essentials - report - rules - definitions.** (1) **AS USED IN THIS SECTION,**  
10 **UNLESS THE CONTEXT OTHERWISE REQUIRES:**

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

16 (b) **"DIAPERING ESSENTIALS" INCLUDES DIAPERS, WIPES, AND**  
17 **DIAPER CREAMS.**

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

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

23 (2) **THERE IS CREATED IN THE STATE DEPARTMENT THE COLORADO**  
24 **DIAPER DISTRIBUTION PROGRAM TO PROVIDE DIAPERING ESSENTIALS TO**  
25 **ELIGIBLE INDIVIDUALS.**

26 (3) (a) **NO LATER THAN THIRTY DAYS AFTER THE EFFECTIVE DATE**  
27 **OF THIS SECTION, THE STATE DEPARTMENT SHALL SOLICIT INTEREST AND**

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

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

15 (4) THE STATE DEPARTMENT MAY PROMULGATE RULES FOR THE  
16 IMPLEMENTATION OF THIS SECTION.

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

24 (a) THE TOTAL NUMBER OF DIAPER DISTRIBUTION CENTERS  
25 CONTRACTED WITH THE STATE DEPARTMENT PURSUANT TO SUBSECTION  
26 (3) OF THIS SECTION, INCLUDING ANY SUBCONTRACTORS;

27 (b) THE TOTAL AMOUNT OF MONEY AWARDED TO EACH DIAPER

1 DISTRIBUTION CENTER;

2 (c) THE LOCATION OF EACH DIAPER DISTRIBUTION CENTER AND THE  
3 COUNTIES SERVED; AND

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

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

14 **SECTION 3.** In Colorado Revised Statutes, 26-2-139, **amend** (2),  
15 (3)(a), (3)(b), and (4)(a) introductory portion; and **add** (4.5) as follows:

16 **26-2-139. Food pantry assistance grant program - created -**  
17 **timeline and criteria - grants - definitions - repeal.** (2) There is created  
18 in the state department the food pantry assistance grant program. The  
19 purpose of the grant program is to aid Colorado food pantries and food  
20 banks in the purchase of foods that better meet the needs of their  
21 clientele, which has expanded significantly as a result of the COVID-19  
22 public health emergency. It is the intent of the general assembly that all  
23 money awarded by the grant program is expended by ~~July 31, 2021~~ JULY  
24 1, 2022.

25 (3) (a) ~~The state department may create a process for soliciting,~~  
26 ~~vetting, awarding, and monitoring grants, pursuant to the sole source~~  
27 ~~procurement authority specified in section 24-103-205~~ CONTRACT WITH

1 A THIRD PARTY VENDOR TO SOLICIT, VET, AWARD, AND MONITOR GRANTS.  
2 THE SELECTION OF ANY VENDOR PURSUANT TO THIS SUBSECTION (3)(a) IS  
3 EXEMPT FROM THE REQUIREMENTS OF THE "PROCUREMENT CODE",  
4 ARTICLES 101 TO 112 OF TITLE 24.

5 (b) The state department is authorized to use ~~seventy thousand~~  
6 ~~dollars~~ UP TO FIVE PERCENT of the total funds appropriated to the grant  
7 program for the direct and indirect costs of administering and monitoring  
8 the grant program.

9 (4) (a) ~~On or before December 30, 2020, but as soon as~~  
10 ~~practicable after June 22, 2020,~~ The state department OR THIRD PARTY  
11 VENDOR shall award one or more grants ~~out of the federal CARES Act to~~  
12 eligible entities ~~On or before March 31, 2021, but as soon as practicable~~  
13 after the effective date of this section ~~the state department shall award one~~  
14 ~~or more grants to eligible entities~~ using state money appropriated to the  
15 grant program. In awarding grants, the state department shall, at a  
16 minimum, consider:

17 (4.5) (a) FOR STATE FISCAL YEAR 2021-22, THE GENERAL  
18 ASSEMBLY SHALL APPROPRIATE FIVE MILLION DOLLARS FROM THE  
19 ECONOMIC RECOVERY AND RELIEF CASH FUND, CREATED IN SECTION  
20 24-75-228, AS ENACTED BY SENATE BILL 21-291, ENACTED IN 2021, TO  
21 THE STATE DEPARTMENT FOR THE GRANT PROGRAM THAT CONFORMS WITH  
22 THE ALLOWABLE PURPOSES SET FORTH IN THE FEDERAL "AMERICAN  
23 RESCUE PLAN ACT OF 2021", PUB.L. 117-2, AS THE ACT MAY BE  
24 SUBSEQUENTLY AMENDED.

25 (b) THIS SUBSECTION (4.5) IS REPEALED, EFFECTIVE JULY 1, 2023.

26

27 SECTION 4. Appropriation. (1) For the 2021-22 state fiscal

1 year, \$2,000,000 is appropriated to the department of human services for  
2 use by the office of self sufficiency. This appropriation is from the  
3 general fund and is based on an assumption that the office will require an  
4 additional 1.9 FTE. To implement this act, the office may use this  
5 appropriation for the Colorado diaper distribution program.

6 (2) For the 2021-22 state fiscal year, \$5,000,000 is appropriated to  
7 the department of human services for use by the office self sufficiency.  
8 This appropriation is from the economic recovery and relief cash fund  
9 created in section 24-75-228, C.R.S., and of money the state receives  
10 from the federal coronavirus state fiscal recovery fund. To implement this  
11 act, the office may use this appropriation for the food pantry assistance  
12 grant program created in section 26-2-139 (2), C.R.S.

13 **SECTION 5. Effective date.** Section 3 of this act takes effect  
14 only if Senate Bill 21-288 becomes law, and, in which case, section 3 of  
15 this act takes effect either upon the effective date of this act or one day  
16 after the effective date of Senate Bill 21-288, whichever is later.

17 **SECTION 6. Safety clause.** The general assembly hereby finds,  
18 determines, and declares that this act is necessary for the immediate  
19 preservation of the public peace, health, or safety.