

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0652.03 Yelana Love x2295

SENATE BILL 24-181

SENATE SPONSORSHIP

Priola and Hansen, Winter F., Buckner, Cutter, Exum, Fields, Gonzales, Jaquez Lewis, Marchman, Michaelson Jenet

HOUSE SPONSORSHIP

deGruy Kennedy and Amabile, Bacon, Brown, Epps, Hernandez, Herod, Kipp, Mabrey, Willford

Senate Committees

Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE COLORADO ALCOHOL IMPACT**
102 **AND RECOVERY ENTERPRISE.**

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 creates the Colorado alcohol impact and recovery enterprise (enterprise) in the department of revenue to:

- Collect a fee from manufacturers and wholesalers that distribute alcohol within Colorado; and
- Use the fee for alcohol and related substance use disorder prevention, early intervention, treatment, harm reduction,

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

and recovery services and programs in communities throughout the state.

The bill exempts small manufacturers and wholesale distributors of alcohol based on production and distribution level amounts for which a manufacturer or distributor may pay reduced tax or claim an exemption under federal law.

The bill also:

- Creates the alcohol impact enterprise board and specifies membership and duties of the board; and
- Requires the state auditor to conduct an audit of the enterprise in the 2030-31 state fiscal year and every fourth state fiscal year thereafter.

The bill also exempts the enterprise from the prohibition on an enterprise receiving more than \$100,000,000 in revenue in fees in the enterprise's first 5 fiscal years without first receiving voter approval.

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

SECTION 1. In Colorado Revised Statutes, **add** article 2 to title 44 as follows:

ARTICLE 2

Colorado Alcohol Impact and Recovery Enterprise

44-2-101. Short title. THE SHORT TITLE OF THIS ARTICLE 2 IS THE "COLORADO ALCOHOL USE IMPACT AND RECOVERY FEE ACT".

44-2-102. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) THE EXCESSIVE USE AND RELATED HARMS OF ALCOHOL CONTRIBUTE DETRIMENTALLY TO PUBLIC HEALTH AND IMPOSE HIGH FINANCIAL COSTS TO THE STATE SYSTEMS FOR PHYSICAL HEALTH, BEHAVIORAL HEALTH, SOCIAL SERVICES, PUBLIC SAFETY, AND EDUCATION;

(b) ANNUALLY, AN AVERAGE OF TWO THOUSAND SIX HUNDRED TWENTY-THREE DEATHS IN COLORADO ARE ATTRIBUTABLE TO EXCESSIVE ALCOHOL USE;

(c) COLORADO TAXPAYERS SPENT OVER FIVE BILLION DOLLARS AS

1 A RESULT OF EXCESSIVE ALCOHOL USE IN 2010; ADJUSTED FOR INFLATION,
2 THIS IS EQUIVALENT TO SIX BILLION NINE HUNDRED MILLION DOLLARS IN
3 2023 OR TWO DOLLARS AND EIGHTY-NINE CENTS PER DRINK CONSUMED;

4 (d) IN 2021, BOTH THE PER CAPITA ALCOHOL CONSUMPTION AND
5 THE PERCENTAGE OF ADULTS WHO REPORTED BINGE DRINKING IN THE PAST
6 THIRTY DAYS IN COLORADO WERE HIGHER THAN THE NATIONAL AVERAGE;

7 (e) IN 2019, PROSECUTORS IN COLORADO FILED OVER TWENTY-SIX
8 THOUSAND CASES WITH AT LEAST ONE CHARGE OF DRIVING UNDER THE
9 INFLUENCE. OF CASES WITH A CONVICTION FOR DRIVING UNDER THE
10 INFLUENCE, THIRTY-SEVEN PERCENT OF THE DEFENDANTS HAD AT LEAST
11 ONE PRIOR ARREST FOR DRIVING UNDER THE INFLUENCE.

12 (f) IN 2021, THE NATIONAL HIGHWAY TRAFFIC SAFETY
13 ADMINISTRATION REPORTED THAT TWO HUNDRED SIXTEEN PEOPLE WERE
14 KILLED ON COLORADO ROADS BY ALCOHOL-IMPAIRED DRIVERS, AN
15 INCREASE OF THIRTY TWO PERCENT FROM 2019;

16 (g) DATA FROM THE 2021 HEALTHY KIDS COLORADO SURVEY
17 FOUND THAT:

18 (I) OVER TWENTY-THREE PERCENT OF YOUTH REPORTED USING
19 ALCOHOL IN THE PREVIOUS MONTH;

20 (II) OVER FOURTEEN PERCENT OF YOUTH REPORTED BINGE
21 DRINKING ONE OR MORE TIMES IN THE PREVIOUS MONTH; AND

22 (III) OVER FIFTY-THREE PERCENT OF YOUTH FELT IT WOULD BE
23 EASY TO OBTAIN ALCOHOL IF THEY WANTED TO;

24 (h) IT IS ESTIMATED THAT ONE IN TWENTY SCHOOL CHILDREN IN
25 THE UNITED STATES HAVE FETAL ALCOHOL SPECTRUM DISORDERS, WHICH
26 CAN LEAD TO:

27 (I) PROBLEMS WITH THE HEART, KIDNEYS, AND OTHER ORGANS;

1 (II) BEHAVIORAL HEALTH AND INTELLECTUAL DISABILITIES; AND

2 (III) INCREASED RISK OF DEVELOPING A SUBSTANCE USE
3 DISORDER;

4 (i) ALCOHOL IS THE MOST PREVALENT POTENTIALLY DAMAGING
5 SUBSTANCE USED BY PREGNANT WOMEN, INCREASING THE RISK FOR FETAL
6 ALCOHOL SPECTRUM DISORDER AND ASSOCIATED HEALTH IMPACTS ON
7 INFANTS;

8 (j) THE HIGHEST NUMBER OF SUBSTANCE USE TREATMENT
9 ADMISSIONS IN COLORADO FROM 2022 AND 2023 WERE FOR ALCOHOL USE
10 DISORDER, WITH OVER SIXTY-FIVE PERCENT OF ALL ADMISSIONS
11 INCLUDING ALCOHOL USE DISORDER;

12 (k) THERE IS A STRONG LINK BETWEEN ALCOHOL USE AND
13 SUBSTANCE USE DISORDERS. IN 2016, ABOUT ONE IN FIVE EMERGENCY
14 DEPARTMENT VISITS ASSOCIATED WITH THE MISUSE OF PRESCRIPTION
15 MEDICINES ALSO INVOLVED ALCOHOL. IN 2017, ABOUT ONE IN SEVEN
16 OPIOID-RELATED DEATHS INVOLVED DRINKING ALCOHOL WITHIN A FEW
17 HOURS OF USING AN OPIOID, AND THE PROPORTION OF OPIOID OVERDOSE
18 DEATHS INVOLVING ALCOHOL RANGED FROM SEVEN TO TWENTY-NINE
19 PERCENT, VARYING ACROSS THE STATES. ADDITIONALLY, OPIOID
20 OVERDOSE DEATHS WHERE ALCOHOL CONTRIBUTED TO THE DEATH
21 INCREASED FORTY-ONE PERCENT FROM 2019 TO 2020.

22 (l) BECAUSE OF THE LINK BETWEEN ALCOHOL USE AND THE USE OF
23 OTHER SUBSTANCES, IT IS DIFFICULT TO TREAT AN ALCOHOL USE DISORDER
24 WITHOUT ALSO ADDRESSING OTHER CO-OCCURRING SUBSTANCE USE
25 DISORDERS.

26 == ==

27 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

1 (a) THE INTENT OF THIS ARTICLE 2 IS TO ESTABLISH AN ENTERPRISE
2 TO COLLECT FEES FROM THE MANUFACTURERS AND DISTRIBUTORS OF
3 ALCOHOL TO PAY FOR ALCOHOL AND RELATED SUBSTANCE USE DISORDER
4 PREVENTION, EARLY INTERVENTION, TREATMENT, RECOVERY, OR HARM
5 REDUCTION PROGRAMS AND SERVICES;

6 (b) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
7 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
8 P.2d 859 (COLO. 1995), THE POWER TO IMPOSE TAXES IS INCONSISTENT
9 WITH ENTERPRISE STATUS PURSUANT TO SECTION 20 OF ARTICLE X OF THE
10 STATE CONSTITUTION, AND IT IS THE CONCLUSION OF THE GENERAL
11 ASSEMBLY THAT THE REVENUE COLLECTED BY THE ENTERPRISE IS A FEE,
12 NOT A TAX, BECAUSE THE FEES ARE IMPOSED FOR THE SPECIFIC PURPOSE
13 OF ALLOWING THE ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING
14 ALCOHOL AND RELATED SUBSTANCE USE DISORDER PREVENTION, EARLY
15 INTERVENTION, TREATMENT, RECOVERY, OR HARM REDUCTION PROGRAMS
16 AND SERVICES RELATED TO THE MANUFACTURING AND DISTRIBUTION OF
17 ALCOHOL; AND

18 (c) MANUFACTURERS AND WHOLESALE DISTRIBUTORS OF ALCOHOL
19 SHOULD BEAR SOME OF THE INCREASED COSTS FOR ALCOHOL AND
20 RELATED SUBSTANCE USE DISORDER PREVENTION, EARLY INTERVENTION,
21 TREATMENT, RECOVERY, OR HARM REDUCTION SERVICES.

22 **44-2-103. Definitions.** AS USED IN THIS ARTICLE 2, UNLESS THE
23 CONTEXT OTHERWISE REQUIRES:

24 (1) "ALCOHOL" MEANS FERMENTED MALT BEVERAGES OR MALT,
25 VINOUS, OR SPIRITUOUS LIQUORS; EXCEPT THAT "ALCOHOL" DOES NOT
26 INCLUDE CONFECTIONERY CONTAINING ALCOHOL WITHIN THE LIMITS
27 PRESCRIBED BY SECTION 25-5-410 (1)(i)(II).

1 (2) "ALCOHOL USE DISORDER" MEANS THE RECURRENT USE OF
2 ALCOHOL THAT CAUSES CLINICALLY AND FUNCTIONALLY SIGNIFICANT
3 IMPAIRMENT, SUCH AS HEALTH PROBLEMS, DISABILITY, AND FAILURE TO
4 MEET MAJOR RESPONSIBILITIES AT WORK, SCHOOL, OR HOME.

5 (3) "BEHAVIORAL HEALTH ADMINISTRATION" OR "BHA" MEANS
6 THE BEHAVIORAL HEALTH ADMINISTRATION IN THE STATE DEPARTMENT
7 OF HUMAN SERVICES ESTABLISHED PURSUANT TO SECTION 27-50-102.

8 (4) "BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES
9 ORGANIZATION" OR "BHASO" MEANS AN ORGANIZATION SELECTED BY
10 AND CONTRACTED WITH THE BEHAVIORAL HEALTH ADMINISTRATION
11 PURSUANT TO SECTION 27-50-401 TO MANAGE A NETWORK OF PROVIDERS
12 TO DELIVER A CONTINUUM OF BEHAVIORAL HEALTH SERVICES AND CARE
13 COORDINATION IN THE BHASO'S REGION.

14 (5) "BOARD" OR "ENTERPRISE BOARD" MEANS THE ALCOHOL
15 IMPACT ENTERPRISE BOARD CREATED PURSUANT TO SECTION 44-2-110.

16 (6) "ELIGIBLE ENTITY" MEANS A NONPROFIT ORGANIZATION THAT
17 PROVIDES PREVENTION, EARLY INTERVENTION, TREATMENT, RECOVERY,
18 OR HARM REDUCTION SERVICES FOR MILD, MODERATE, OR SEVERE
19 ALCOHOL OR RELATED SUBSTANCE USE DISORDERS OR FOR FETAL
20 ALCOHOL SPECTRUM DISORDERS. ==

21 (7) "ENTERPRISE" MEANS THE COLORADO ALCOHOL IMPACT AND
22 RECOVERY ENTERPRISE CREATED IN SECTION 44-2-104.

23 (8) "FEE" MEANS THE ALCOHOL IMPACT FEE DESCRIBED IN SECTION
24 44-2-105.

25 (9) "FUND" MEANS THE COLORADO ALCOHOL IMPACT ENTERPRISE
26 FUND CREATED IN SECTION 44-2-106.

27 (10) "HARM REDUCTION SERVICES" MEANS A SET OF

1 EVIDENCE-BASED STRATEGIES WITH THE AIM TO REDUCE
2 ALCOHOL-RELATED PROBLEMS AND DANGERS ASSOCIATED WITH ALCOHOL
3 USE AND TO IMPROVE QUALITY OF LIFE.

4 (11) "MANUFACTURER OR WHOLESALE ALCOHOL DISTRIBUTOR"
5 MEANS ANY PERSON:

6 (a) HOLDING ANY OF THE FOLLOWING LICENSES ISSUED BY THE
7 DEPARTMENT PURSUANT TO ARTICLE 3 OF THIS TITLE 44:

8 (I) MANUFACTURER'S LICENSE;

9 (II) LIMITED WINERY LICENSE;

10 (III) WHOLESALER'S LIQUOR LICENSE;

11 (IV) WHOLESALER'S BEER LICENSE;

12 (V) BREW PUB LICENSE;

13 (VI) DISTILLERY PUB LICENSE; OR

14 (VII) VINTNER'S RESTAURANT LICENSE; AND

15 (b) THAT MANUFACTURED OR DISTRIBUTED ALCOHOL
16 BEVERAGES IN THE PREVIOUS CALENDAR YEAR IN AMOUNT GREATER
17 THAN:

18 (I) ONE HUNDRED THOUSAND PROOF GALLONS OF DISTILLED
19 SPIRITS;

20 (II) ONE HUNDRED THIRTY THOUSAND GALLONS OF WINE; OR

21 (III) ONE HUNDRED EIGHTY-SIX MILLION GALLONS OF BEER.

22 (12) "PRIORITY POPULATIONS" MEANS CHILDREN, YOUTH, PEOPLE
23 FROM UNDERSERVED COMMUNITIES, AND POPULATIONS THAT HAVE BEEN
24 DISPROPORTIONATELY AFFECTED BY ALCOHOL AND RELATED SUBSTANCE
25 USE DISORDERS AND AS FURTHER DEFINED BY THE ENTERPRISE BOARD.

26 (13) "RECOVERY PROVIDER" MEANS A RECOVERY COMMUNITY
27 ORGANIZATION, AS DEFINED IN SECTION 27-80-126, OR A RECOVERY

1 SUPPORT SERVICES ORGANIZATION, AS DEFINED IN SECTION 27-60-108,
2 WHEN SUCH ORGANIZATION IS UNDER CONTRACT WITH A BHASO TO
3 PROVIDE RECOVERY SERVICES.

4 (14) "SUBSTANCE USE DISORDER" MEANS THE RECURRENT USE OF
5 ALCOHOL, DRUGS, OR MULTIPLE SUBSTANCES CONCURRENTLY THAT
6 CAUSES SIGNIFICANT CLINICAL AND FUNCTIONAL IMPAIRMENT, SUCH AS
7 HEALTH PROBLEMS, DISABILITY, AND FAILURE TO MEET MAJOR
8 RESPONSIBILITIES AT WORK, SCHOOL, OR HOME.

9 (15) "TREATMENT PROVIDER" MEANS A SUBSTANCE USE
10 TREATMENT PROVIDER LICENSED BY THE BHA AND UNDER CONTRACT
11 WITH A BHASO.

12 **44-2-104. Colorado alcohol impact and recovery enterprise -**
13 **creation - powers and duties - repeal.** (1) (a) THE COLORADO ALCOHOL
14 IMPACT AND RECOVERY ENTERPRISE IS CREATED IN THE DEPARTMENT. THE
15 PRIMARY BUSINESS PURPOSE OF THE ENTERPRISE IS TO REDUCE AND
16 MITIGATE THE ADVERSE IMPACTS OF ALCOHOL BEVERAGES
17 MANUFACTURED OR DISTRIBUTED IN THE STATE. TO ALLOW THE
18 ENTERPRISE TO ACCOMPLISH THIS BUSINESS PURPOSE, THE ENTERPRISE
19 SHALL PROVIDE:

20 (I) BUSINESS-RELATED SERVICES FOR ALCOHOL AND RELATED
21 SUBSTANCE USE DISORDER PREVENTION, EARLY INTERVENTION,
22 TREATMENT, RECOVERY, AND HARM REDUCTION; AND

23 (II) A SUSTAINABLE SOURCE OF MONEY TO PAY FOR THE
24 PROGRAMS AND SERVICES DESCRIBED IN SUBSECTION (1)(a)(I) OF THIS
25 SECTION THAT ARE NOT OTHERWISE COVERED BY PUBLIC OR PRIVATE
26 INSURANCE OR ANOTHER GOVERNMENTAL PROGRAM OR SERVICE.

27 (b) THE ENTERPRISE IS AND OPERATES AS A GOVERNMENT-OWNED

1 BUSINESS WITHIN THE DEPARTMENT FOR THE PURPOSES OF:

2 (I) CHARGING, COLLECTING, AND EXPENDING MONEY FROM THE
3 ALCOHOL IMPACT FEE PURSUANT TO SECTION 44-2-105; AND

4 (II) UTILIZING THE MONEY COLLECTED FROM THE FEE TO
5 EQUITABLY DISTRIBUTE THE MONEY TO:

6 (A) SUPPORT TREATMENT, RECOVERY, AND HARM REDUCTION
7 PROGRAMS AND SERVICES FOR ALCOHOL AND RELATED SUBSTANCE USE
8 DISORDERS IN COMMUNITIES THROUGHOUT THE STATE BASED ON THE
9 IDENTIFIED NEEDS OF EACH COMMUNITY;

10 (B) SUPPORT PROGRAMS THAT PREVENT AND DETER DRIVING
11 UNDER THE INFLUENCE, DRIVING WHILE ABILITY IMPAIRED, AND
12 UNDERAGE DRUNK DRIVING; AND

13 (C) SUPPORT PROGRAMS THAT HELP PREVENT ALCOHOL AND
14 RELATED SUBSTANCE USE DISORDERS, INCLUDING UNDERAGE DRINKING.

15 (2) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES
16 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION WHILE IT
17 RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS
18 THAN TEN PERCENT OF ITS TOTAL REVENUE IN GRANTS FROM ALL
19 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. AS LONG AS IT
20 CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (2), THE
21 ENTERPRISE IS NOT SUBJECT TO ANY PROVISIONS OF SECTION 20 OF
22 ARTICLE X OF THE STATE CONSTITUTION.

23 (3) THE ENTERPRISE'S PRIMARY POWERS AND DUTIES ARE:

24 (a) TO CHARGE AND COLLECT THE FEE;

25 (b) TO EXPEND FEE REVENUE, MATCHING FEDERAL MONEY, AND
26 ANY OTHER MONEY FROM THE FUND;

27 (c) BY RESOLUTION OF THE BOARD, TO AUTHORIZE AND ISSUE

1 REVENUE BONDS THAT ARE PAYABLE ONLY FROM THE MONEY IN THE
2 FUND, WHICH REVENUE BONDS MAY BE ISSUED TO PAY FOR SERVICES
3 PROVIDED BY OR TO ELIGIBLE ENTITIES OR FOR THE EXPENSES OF THE
4 ENTERPRISE;

5 (d) (I) To HIRE STAFF AND CONTRACT WITH ANY PUBLIC OR
6 PRIVATE ENTITY, INCLUDING STATE AGENCIES, CONSULTANTS, AND THE
7 ATTORNEY GENERAL'S OFFICE, FOR PROFESSIONAL AND TECHNICAL
8 ASSISTANCE, OFFICE SPACE AND ADMINISTRATIVE SERVICES, ADVICE, AND
9 OTHER SERVICES RELATED TO THE CONDUCT OF THE AFFAIRS OF THE
10 ENTERPRISE. THE BOARD SHALL ENCOURAGE DIVERSITY IN APPLICANTS
11 FOR CONTRACTS AND SHALL GENERALLY AVOID USING SINGLE-SOURCE
12 BIDS.

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

18 (e) TO ADOPT, AMEND, OR REPEAL POLICIES FOR THE REGULATION
19 OF THE ENTERPRISE'S AFFAIRS AND THE CONDUCT OF ITS BUSINESS
20 CONSISTENT WITH THIS SECTION.

21 (4) THE ENTERPRISE IS A **TYPE 2** ENTITY AS DEFINED IN SECTION
22 24-1-105 AND EXERCISES ITS POWERS AND PERFORMS ITS DUTIES UNDER
23 THE DEPARTMENT.

24 (5) (a) ON JANUARY 1, 2025, OR AS SOON AS POSSIBLE
25 THEREAFTER, THE STATE TREASURER SHALL TRANSFER FOUR HUNDRED
26 FIFTY-FOUR THOUSAND DOLLARS FROM THE GENERAL FUND TO THE FUND
27 FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY THE ENTERPRISE

1 BEFORE IT RECEIVES REVENUE FROM THE FEE OR REVENUE BOND
2 PROCEEDS. NOTWITHSTANDING ANY OTHER LAW, THE ENTERPRISE MAY
3 ACCEPT AND EXPEND ANY MONEY SO TRANSFERRED, AND,
4 NOTWITHSTANDING ANY STATE FISCAL RULE OR GENERALLY ACCEPTED
5 ACCOUNTING PRINCIPLE THAT COULD OTHERWISE BE INTERPRETED TO
6 REQUIRE A CONTRARY CONCLUSION, SUCH A TRANSFER IS A LOAN FROM
7 THE STATE TREASURER TO THE ENTERPRISE THAT IS REQUIRED TO BE
8 REPAID AND IS NOT A GRANT FOR PURPOSES OF SECTION 20 (2)(d) OF
9 ARTICLE X OF THE STATE CONSTITUTION OR AS DEFINED IN SECTION
10 24-77-102 (7). LOAN LIABILITIES THAT ARE RECORDED IN THE FUND BUT
11 ARE NOT REQUIRED TO BE PAID IN THE CURRENT STATE FISCAL YEAR SHALL
12 NOT BE CONSIDERED WHEN CALCULATING SUFFICIENT STATUTORY FUND
13 BALANCE FOR PURPOSES OF SECTION 24-75-109.

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

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

26 **44-2-105. Alcohol impact fee - alcohol impact enterprise**
27 **collection fund - rules.** (1) FOR THE STATE FISCAL YEAR COMMENCING

1 JULY 1, 2025, AND FOR EACH STATE FISCAL YEAR THEREAFTER, UNLESS
2 ADJUSTED PURSUANT TO SUBSECTION (5) OF THIS SECTION, THE
3 ENTERPRISE IS AUTHORIZED TO CHARGE AND COLLECT AN ALCOHOL
4 IMPACT FEE THAT IS REASONABLY CALCULATED BASED ON THE COSTS OF
5 THE SERVICES PROVIDED BY THE ENTERPRISE FROM EVERY
6 MANUFACTURER OR WHOLESAL ALCOHOL DISTRIBUTOR OF:

7 (a) \$0.0267 ON EVERY GALLON OF MALT LIQUOR AND HARD CIDER
8 DISTRIBUTED IN COLORADO;

9 (b) \$0.0240 ON EVERY LITER OF WINE EXCEPT HARD CIDER
10 DISTRIBUTED IN COLORADO; AND

11 (c) \$0.2000 ON EVERY LITER OF SPIRITUOUS LIQUOR DISTRIBUTED
12 IN COLORADO.

13 (2) (a) THE EXECUTIVE DIRECTOR SHALL COLLECT, ADMINISTER,
14 AND ENFORCE THE FEE IMPOSED BY SUBSECTION (1) OF THIS SECTION IN
15 THE SAME MANNER AS THE COLLECTION, ADMINISTRATION, AND
16 ENFORCEMENT OF STATE ALCOHOL EXCISE TAXES PURSUANT TO SECTION
17 44-3-503. A MANUFACTURER OR WHOLESAL ALCOHOL DISTRIBUTOR THAT
18 PAYS THE FEE AS REQUIRED BY SUBSECTION (1) OF THIS SECTION SHALL
19 REMIT THE FEE TO THE DEPARTMENT AT THE SAME TIME AND IN THE SAME
20 MANNER IN WHICH THE MANUFACTURER OR WHOLESAL ALCOHOL
21 DISTRIBUTOR REMITS THE STATE ALCOHOL EXCISE TAXES COLLECTED BY
22 THE MANUFACTURER OR WHOLESAL ALCOHOL DISTRIBUTOR AS REQUIRED
23 BY SECTION 44-3-503. THE DEPARTMENT MAY PROMULGATE RULES TO
24 IMPLEMENT THIS SECTION.

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

27 (c) WHEN COLLECTING THE FEE, THE DEPARTMENT SHALL RETAIN

1 AN AMOUNT THAT DOES NOT EXCEED THE TOTAL COST OF COLLECTING,
2 ADMINISTERING, AND ENFORCING THE FEE AND SHALL TRANSMIT THE
3 AMOUNT RETAINED TO THE STATE TREASURER, WHO SHALL CREDIT IT TO
4 THE ALCOHOL IMPACT ENTERPRISE COLLECTION FUND, WHICH IS CREATED
5 IN THE STATE TREASURY. ALL MONEY IN THE ALCOHOL IMPACT
6 ENTERPRISE COLLECTION FUND IS CONTINUOUSLY APPROPRIATED TO THE
7 DEPARTMENT TO DEFRAY THE COSTS INCURRED BY THE DEPARTMENT IN
8 COLLECTING, ENFORCING, AND ADMINISTERING THE FEE.

9 (d) THE DEPARTMENT SHALL TRANSMIT ALL FEE REVENUE, LESS
10 ANY AMOUNT RETAINED PURSUANT TO SUBSECTION (2)(c) OF THIS
11 SECTION, TO THE STATE TREASURER, WHO SHALL CREDIT THE NET
12 REVENUE TO THE COLORADO ALCOHOL IMPACT ENTERPRISE FUND.

13 (3) ON OR BEFORE JULY 1, 2026, EACH SELF-DISTRIBUTING
14 MANUFACTURER OR WHOLESALE ALCOHOL DISTRIBUTOR SHALL:

15 (a) PAY THE FEE ON ALL ALCOHOL DISTRIBUTED IN COLORADO FOR
16 THE PERIOD BEGINNING JULY 1, 2025, AND ENDING JUNE 30, 2026; AND

17 (b) REPORT TO THE ENTERPRISE, IN A FORM AND MANNER
18 DETERMINED BY THE ENTERPRISE, THE AMOUNT OF ALCOHOL DISTRIBUTED
19 IN COLORADO FOR THE PERIOD BEGINNING JULY 1, 2025, AND ENDING
20 JUNE 30, 2026.

21 (4) ON OR BEFORE JULY 1, 2027, AND ON OR BEFORE JULY 1 OF
22 EACH YEAR THEREAFTER, EACH MANUFACTURER OR WHOLESALE ALCOHOL
23 DISTRIBUTOR SHALL:

24 (a) PAY THE FEE ON ALL ALCOHOL DISTRIBUTED IN COLORADO FOR
25 THE PREVIOUS STATE FISCAL YEAR; AND

26 (b) REPORT TO THE ENTERPRISE THE AMOUNT OF ALCOHOL
27 DISTRIBUTED IN COLORADO FOR THE PREVIOUS STATE FISCAL YEAR.

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

12 **44-2-106. Colorado alcohol impact enterprise fund - creation.**

13 (1) THERE IS CREATED IN THE STATE TREASURY THE COLORADO ALCOHOL
14 IMPACT ENTERPRISE FUND. THE FUND CONSISTS OF MONEY CREDITED TO
15 THE FUND PURSUANT TO SECTION 44-2-105 AND ANY GIFTS, GRANTS, OR
16 DONATIONS RECEIVED PURSUANT TO SUBSECTION (4) OF THIS SECTION.

17 (2) THE MONEY IN THE FUND MUST NOT BE DEPOSITED INTO OR
18 TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND. THE STATE
19 TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE
20 DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND. ANY
21 UNENCUMBERED MONEY IN THE FUND REMAINS IN THE FUND AND MUST
22 NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER
23 FUND.

24 (3) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
25 ENTERPRISE FOR THE PURPOSES OF:

26 (a) PAYING FOR ANY DIRECT AND INDIRECT ADMINISTRATIVE
27 EXPENSES INCURRED BY THE ENTERPRISE, NOT TO EXCEED FIVE PERCENT

1 OF THE AMOUNT OF MONEY IN THE FUND; AND

2 (b) CARRYING OUT TO THE PURPOSES OF THIS ARTICLE 2.

3 (4) THE BOARD MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS,
4 OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF
5 THIS SECTION, AS LONG AS THE COMBINATION OF GRANTS FROM STATE AND
6 LOCAL GOVERNMENTS IS LESS THAN TEN PERCENT OF THE ENTERPRISE'S
7 TOTAL REVENUE. ANY MONEY RECEIVED PURSUANT TO THIS SUBSECTION
8 (4) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT
9 THE MONEY TO THE FUND.

10 **44-2-107. Colorado alcohol treatment, recovery, and harm**
11 **reduction affordability grant program - creation - reporting.**

12 (1) THERE IS CREATED IN THE ENTERPRISE THE COLORADO ALCOHOL
13 TREATMENT, RECOVERY, AND HARM REDUCTION AFFORDABILITY GRANT
14 PROGRAM TO AWARD GRANTS TO BEHAVIORAL HEALTH ADMINISTRATIVE
15 SERVICES ORGANIZATIONS THROUGHOUT THE STATE THAT PROVIDE
16 MONEY TO RECOVERY PROVIDERS, TREATMENT PROVIDERS, AND ELIGIBLE
17 ENTITIES THAT PROVIDE HARM REDUCTION SERVICES. UNLESS ADJUSTED
18 PURSUANT TO SECTION 44-2-110 (6)(h), THE ENTERPRISE SHALL ALLOCATE
19 FIFTY PERCENT OF THE MONEY IN THE FUND TO SUPPORT TREATMENT
20 PROVIDERS, TWENTY PERCENT OF MONEY IN THE FUND TO SUPPORT
21 RECOVERY PROVIDERS, AND FIVE PERCENT OF THE MONEY IN THE FUND TO
22 SUPPORT ELIGIBLE ENTITIES THAT PROVIDE HARM REDUCTION SERVICES.

23 (2) (a) THE ENTERPRISE SHALL AWARD GRANTS TO BHASOs IN
24 THE STATE TO ENSURE THAT TREATMENT PROVIDERS, RECOVERY
25 PROVIDERS, AND ELIGIBLE ENTITIES THAT PROVIDE HARM REDUCTION
26 SERVICES FROM ACROSS THE STATE, INCLUDING RURAL, FRONTIER, AND
27 URBAN REGIONS, HAVE EQUITABLE ACCESS TO MONEY FROM THE GRANT

1 PROGRAM.

2 (b) BHASOs THAT RECEIVE GRANTS SHALL PRIORITIZE FUNDING
3 FOR PRIORITY POPULATIONS. IN COLLABORATION WITH THE BHA, THE
4 ENTERPRISE BOARD SHALL FURTHER DEFINE PRIORITY POPULATIONS,
5 WHICH MAY INCLUDE POPULATIONS BY REGION IF COMMUNITY NEEDS
6 DIFFER, AND SHALL ANNUALLY UPDATE THE PRIORITY POPULATION
7 DEFINITION, IF NEEDED.

8 (3)(a) BHASOs THAT RECEIVE GRANTS SHALL ENSURE THAT EACH
9 TREATMENT PROVIDER AND RECOVERY PROVIDER ESTABLISHES A SLIDING
10 FEE SCALE TO PROVIDE SUBSTANCE USE DISORDER TREATMENT OR
11 RECOVERY SERVICES TO AN INDIVIDUAL WITH A SUBSTANCE USE
12 DISORDER, REGARDLESS OF THE INDIVIDUAL'S ABILITY TO PAY.

13 (b) A BHASO THAT RECEIVES A GRANT THROUGH THE PROGRAM
14 SHALL NOT REFUSE TO PROVIDE FINANCIAL SUPPORT TO A TREATMENT
15 PROVIDER, RECOVERY PROVIDER, OR ELIGIBLE ENTITY THAT PROVIDES
16 HARM REDUCTION SERVICES BASED SOLELY ON:

17 (I) THE PROVIDER'S TREATMENT OF AN INDIVIDUAL'S
18 CO-OCCURRING SUBSTANCE USE DISORDER OR MENTAL HEALTH
19 CONDITION; OR

20 (II) WHERE THE INDIVIDUAL WHO NEEDS TREATMENT LIVES OR THE
21 INDIVIDUAL'S REFERRAL TYPE, INCLUDING A REFERRAL FROM THE
22 CRIMINAL JUSTICE SYSTEM.

23 (c) A BHASO THAT RECEIVES A GRANT MAY USE THE GRANT
24 MONEY TO:

25 (I) PROVIDE TREATMENT SERVICES TO INDIVIDUALS WHO HAVE
26 ALCOHOL USE DISORDER OR WHO HAVE ALCOHOL USE DISORDER AND
27 ANOTHER CO-OCCURRING SUBSTANCE USE DISORDER;

1 (II) FOR HARM REDUCTION PROGRAMS AND SERVICES RELATED
2 ONLY TO ALCOHOL USE; AND

3 (III) FOR PROGRAMS AND SERVICES RELATED TO RECOVERY FROM
4 ALCOHOL USE DISORDER AND RECOVERY FROM ALCOHOL USE DISORDER
5 WITH CO-OCCURRING SUBSTANCE USE DISORDERS.

6 (4) EACH BHASO SHALL REPORT ANNUALLY TO THE BHA AND
7 THE ENTERPRISE BOARD ON THE USE OF THE MONEY, IN A MANNER THAT
8 COMPLIES WITH PROTECTING PATIENT HEALTH INFORMATION, INCLUDING:

9 (a) THE AMOUNT OF MONEY DISTRIBUTED TO EACH TREATMENT
10 PROVIDER, RECOVERY PROVIDER, AND ELIGIBLE ENTITY THAT PROVIDES
11 HARM REDUCTION SERVICES;

12 (b) THE NUMBER OF INDIVIDUALS SERVED AND THEIR
13 DEMOGRAPHIC DATA;

14 (c) THE NUMBER OF INDIVIDUALS SERVED IN EACH PRIORITY
15 POPULATION CATEGORY, AS DEFINED BY THE ENTERPRISE BOARD
16 PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION; AND

17 (d) FOR EACH INDIVIDUAL SERVED:

18 (I) WHETHER THE MONEY WAS USED FOR A COPAYMENT,
19 DEDUCTIBLE, OR OTHER COST NOT OTHERWISE COVERED BY INSURANCE;

20 (II) IF THE INDIVIDUAL WITH A SUBSTANCE USE DISORDER
21 REQUIRED MONEY BECAUSE OF LACK OF INSURANCE COVERAGE,
22 INFORMATION ON THE INDIVIDUAL'S TYPE OF INSURANCE AND THE LEVEL
23 AND TYPE OF CARE NEEDED; AND

24 (III) THE REFERRAL SOURCE.

25 **44-2-108. Colorado alcohol use prevention and early**
26 **intervention grant program - creation - reporting - definition.**

27 (1) THERE IS CREATED IN THE ENTERPRISE THE COLORADO ALCOHOL USE

1 PREVENTION AND EARLY INTERVENTION GRANT PROGRAM TO BEGIN
2 PROVIDING GRANTS NO LATER THAN JANUARY 1, 2026, FOR PURPOSES
3 RELATED TO THE PREVENTION AND EARLY INTERVENTION OF ALCOHOL
4 AND RELATED SUBSTANCE USE DISORDERS. UNLESS ADJUSTED PURSUANT
5 TO SECTION 44-2-110 (6)(h), THE ENTERPRISE SHALL USE APPROXIMATELY
6 FIFTEEN PERCENT OF THE MONEY IN THE FUND FOR THE PURPOSE OF
7 AWARDING GRANTS TO:

8 (a) ELIGIBLE ENTITIES THAT INCREASE THE AVAILABILITY AND USE
9 OF SCREENING, BRIEF INTERVENTION, AND REFERRAL TO TREATMENT
10 PROGRAMS;

11 (b) ELIGIBLE ENTITIES THAT WORK TO PREVENT YOUTH SUBSTANCE
12 USE DISORDERS, INCLUDING UNDERAGE DRINKING PREVENTION AND
13 RELATED SUBSTANCE USE; AND

14 (c) ELIGIBLE ENTITIES THAT PROVIDE ALCOHOL AND RELATED
15 SUBSTANCE USE DISORDER PREVENTION SERVICES IN AREAS OF HIGHEST
16 NEED, INCLUDING COMMUNITY-ORIENTED, CHILDREN-ORIENTED,
17 YOUTH-ORIENTED, AND FAMILY-ORIENTED PREVENTION SERVICES; AND

18 (d) ELIGIBLE ENTITIES THAT INCREASE THE AVAILABILITY AND USE
19 OF SCREENING, EARLY INTERVENTION, AND REFERRAL TO SERVICES FOR
20 FETAL ALCOHOL SPECTRUM DISORDERS.

21 (2) EACH ELIGIBLE ENTITY THAT RECEIVES A GRANT THROUGH THE
22 GRANT PROGRAM SHALL REPORT TO THE ENTERPRISE, IN A FORM AND
23 MANNER DETERMINED BY THE ENTERPRISE, ON THE USE OF AND OUTCOMES
24 ASSOCIATED WITH THE USE OF THE GRANT PROGRAM MONEY.

25 **44-2-109. Colorado alcohol-related impaired driving**
26 **prevention and deterrence grant program - creation.** (1) THERE IS
27 CREATED IN THE ENTERPRISE THE COLORADO ALCOHOL-RELATED

1 IMPAIRED DRIVING PREVENTION AND DETERRENCE GRANT PROGRAM.
2 UNLESS ADJUSTED PURSUANT TO SECTION 44-2-110 (6)(h), THE
3 ENTERPRISE SHALL DISTRIBUTE APPROXIMATELY FIVE PERCENT OF THE
4 MONEY IN THE FUND FOR PROVIDING GRANTS TO NONPROFIT
5 ORGANIZATIONS TO PROVIDE EDUCATION ABOUT, DETERRENCE OF, AND
6 SUPPORT FOR VICTIMS OF ALCOHOL-RELATED IMPAIRED DRIVING.

7
8 (2) AN ELIGIBLE ENTITY THAT RECEIVES A GRANT THROUGH THE
9 GRANT PROGRAM SHALL REPORT TO THE ENTERPRISE, IN A FORM AND
10 MANNER DETERMINED BY THE ENTERPRISE, ON THE USE OF AND OUTCOMES
11 ASSOCIATED WITH THE USE OF THE GRANT PROGRAM MONEY.

12 **44-2-110. Alcohol impact enterprise board - creation - duties**
13 **- report.** (1) THERE IS CREATED IN THE ENTERPRISE THE ALCOHOL IMPACT
14 ENTERPRISE BOARD THAT CONSISTS OF:

- 15 (a) THE FOLLOWING NONVOTING, EX OFFICIO MEMBERS:
- 16 (I) THE COMMISSIONER OF THE BEHAVIORAL HEALTH
17 ADMINISTRATION, OR THE COMMISSIONER'S DESIGNEE;
- 18 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
19 HEALTH AND ENVIRONMENT, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;
- 20 (III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE,
21 OR THE EXECUTIVE DIRECTOR'S DESIGNEE; AND
- 22 (IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH
23 CARE PLANNING AND FINANCING, OR THE EXECUTIVE DIRECTOR'S
24 DESIGNEE; AND

25 (b) THE FOLLOWING VOTING MEMBERS APPOINTED BY THE
26 GOVERNOR, WITH THE ADVICE AND CONSENT OF THE SENATE:

27
==

1 (I) AN INDIVIDUAL WITH EXPERTISE IN ALCOHOL USE DISORDER
2 PREVENTION PROGRAMS AND SERVICES;

3 (II) AN INDIVIDUAL WITH EXPERIENCE PROVIDING ALCOHOL USE
4 DISORDER TREATMENT PROGRAMS AND SERVICES;

5 (III) AN INDIVIDUAL WITH EXPERIENCE PROVIDING ALCOHOL USE
6 DISORDER RECOVERY PROGRAMS AND SERVICES;

7 (IV) AN INDIVIDUAL REPRESENTING YOUTH MENTAL HEALTH
8 PROFESSIONALS, SUCH AS A SOCIAL WORKER, A CHILD AND ADOLESCENT
9 PSYCHIATRIST, OR OTHER PROFESSIONAL SPECIALIZING IN CARING FOR
10 YOUTH, WITH EXPERTISE IN YOUTH ALCOHOL USE PREVENTION,
11 TREATMENT, OR RECOVERY;

12 (V) A MEMBER OF LAW ENFORCEMENT WITH EXPERIENCE IN
13 IMPAIRED DRIVING PREVENTION AND DETERRENCE;

14 (VI) A REPRESENTATIVE OF A FEDERALLY RECOGNIZED INDIAN
15 TRIBE WITH JURISDICTION IN COLORADO WHO HAS EXPERTISE IN ALCOHOL
16 USE DISORDER PREVENTION, TREATMENT, OR RECOVERY;

17 (VII) AN INDIVIDUAL WHO HAS EXPERIENCED AN ALCOHOL USE
18 DISORDER;

19 (VIII) AN INDIVIDUAL WHOSE FAMILY HAS BEEN AFFECTED BY A
20 FAMILY MEMBER WITH AN ALCOHOL USE DISORDER OR FETAL ALCOHOL
21 SPECTRUM DISORDERS;

22 (IX) AN INDIVIDUAL REPRESENTING AN INSTITUTION OF
23 SECONDARY OR HIGHER EDUCATION THAT PROVIDES ALCOHOL USE
24 DISORDER PREVENTION PROGRAMS TO STUDENTS;

25 (X) AN INDIVIDUAL REPRESENTING AN ADVOCACY ORGANIZATION
26 FOR PEOPLE WITH MENTAL HEALTH CONDITIONS AND ALCOHOL AND
27 RELATED SUBSTANCE USE DISORDERS; AND

1 (XI) FOUR INDIVIDUALS REPRESENTING THE ALCOHOL INDUSTRY,
2 INCLUDING ONE INDIVIDUAL REPRESENTING THE VINOUS LIQUOR
3 INDUSTRY, ONE INDIVIDUAL REPRESENTING THE SPIRITUOUS LIQUOR
4 INDUSTRY, ONE INDIVIDUAL REPRESENTING THE MALT LIQUOR INDUSTRY,
5 AND ONE INDIVIDUAL REPRESENTING A MANUFACTURER OR DISTRIBUTOR
6 THAT IS NOT SUBJECT TO THE ALCOHOL IMPACT FEE.

7 (2) IN MAKING THE APPOINTMENTS DESCRIBED IN SUBSECTION
8 (1)(b) OF THIS SECTION, THE GOVERNOR SHOULD ATTEMPT TO INCLUDE
9 INDIVIDUALS WHO:

10 (a) HAVE EXPERIENCE PROVIDING SERVICES ACROSS THE
11 CONTINUUM OF CARE FOR ALCOHOL AND RELATED SUBSTANCE USE
12 DISORDERS;

13 (b) REFLECT THE ETHNIC, RACIAL, CULTURAL, GENDER,
14 IMMIGRATION STATUS, WEALTH, ABILITY, AND GEOGRAPHIC DIVERSITY OF
15 THE STATE; AND

16 (c) TO THE EXTENT PRACTICABLE, HAVE LIVED EXPERIENCE WITH
17 AND HAVE RECEIVED SERVICES ACROSS THE CONTINUUM OF CARE FOR
18 ALCOHOL AND RELATED SUBSTANCE USE DISORDERS.

19 (3) (a) VOTING MEMBERS OF THE ENTERPRISE BOARD SERVE AT
20 THE PLEASURE OF THE GOVERNOR. ALL TERMS ARE FOR FOUR YEARS;
21 EXCEPT THAT, OF THE MEMBERS INITIALLY APPOINTED BY THE GOVERNOR,
22 SIX SHALL SERVE AN INITIAL TERM OF TWO YEARS AS DESIGNATED BY THE
23 GOVERNOR. A MEMBER WHO IS APPOINTED TO FILL A VACANCY SERVES
24 THE REMAINDER OF THE UNEXPIRED TERM OF THE FORMER MEMBER.

25 (b) IF A VOTING BOARD MEMBER HAS A CONFLICT OF INTEREST
26 WITH RESPECT TO ANY MATTER SCHEDULED FOR HEARING BEFORE THE
27 BOARD, THE MEMBER SHALL RECUSE THEMSELVES FROM ANY DISCUSSION

1 AND DECISIONS ON THE MATTER UNLESS, AFTER FULL DISCLOSURE OF THE
2 FACTS GIVING RISE TO THE CONFLICT, THE BOARD AGREES TO WAIVE THE
3 CONFLICT. FOR PURPOSES OF THIS SUBSECTION (3)(b), A BOARD MEMBER
4 HAS A CONFLICT OF INTEREST IF THE BOARD MEMBER HAS A CONFLICT
5 THAT WOULD CALL INTO QUESTION THE MEMBER'S ABILITY TO RENDER AN
6 UNBIASED DECISION.

7 (4) THE MEMBERS OF THE ENTERPRISE BOARD SHALL ELECT A
8 CHAIR AND VICE-CHAIR FROM AMONG THE MEMBERS OF THE ENTERPRISE
9 BOARD APPOINTED PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION.

10 (5) MEMBERS OF THE ENTERPRISE BOARD SERVING IN A
11 PROFESSIONAL CAPACITY SERVE WITHOUT COMPENSATION BUT MUST BE
12 REIMBURSED FROM MONEY IN THE FUND FOR ACTUAL AND NECESSARY
13 EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES PURSUANT TO
14 THIS SECTION. A MEMBER OF THE ENTERPRISE BOARD SERVING DUE TO THE
15 MEMBER'S LIVED EXPERIENCE MUST BE OFFERED A PER DIEM AS
16 ESTABLISHED BY THE ENTERPRISE BOARD AND DISTRIBUTED FROM MONEY
17 IN THE FUND AND MUST BE REIMBURSED FROM MONEY IN THE FUND FOR
18 ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF
19 THEIR DUTIES PURSUANT TO THIS SECTION.

20 (6) THE ENTERPRISE BOARD SHALL, AT A MINIMUM:

21 (a) REVIEW CURRENT STATE PLANS RELATED TO ALCOHOL AND
22 RELATED SUBSTANCE USE DISORDER PREVENTION, EARLY INTERVENTION,
23 TREATMENT, RECOVERY, AND HARM REDUCTION SUPPORT SERVICES IN
24 ORDER TO FORMULATE RECOMMENDATIONS FOR USES OF THE FEE;

25 (b) REVIEW AND APPROVE AN ANNUAL BUDGET FOR THE
26 ENTERPRISE;

27 (c) ESTABLISH FUNDING ALLOCATION MODELS FOR BHASOs AND

1 DETERMINE PRIORITY POPULATIONS FOR PURPOSES OF THE COLORADO
2 ALCOHOL TREATMENT, RECOVERY, AND HARM REDUCTION AFFORDABILITY
3 GRANT PROGRAM CREATED IN SECTION 44-2-107.

4 (d) REVIEW AND APPROVE RECOMMENDATIONS FOR ALLOCATION
5 OF MONEY IN THE FUND;

6 (e) REVIEW THE OUTCOMES OF THE MONEY AWARDED;

7 (f) REVIEW AND APPROVE AN ANNUAL REPORT OF EXPENDITURES
8 AND SERVICES PROVIDED PURSUANT TO THIS SECTION;

9 (g) ADMINISTER THE GRANT PROGRAMS CREATED IN THIS ARTICLE
10 2, INCLUDING CREATING A GRANT APPLICATION PROCESS FOR EACH GRANT
11 PROGRAM, MAKING THE GRANT APPLICATION PROCESS PUBLICLY
12 AVAILABLE PRIOR TO ACCEPTING APPLICATIONS, AND BEGINNING TO
13 ACCEPT GRANT APPLICATIONS NO LATER THAN JANUARY 1, 2026. A GRANT
14 APPLICATION CREATED PURSUANT TO THIS SUBSECTION (6)(g) MUST, AT A
15 MINIMUM, REQUIRE THE APPLICANT TO INCLUDE THE FOLLOWING
16 INFORMATION:

17 (I) AN APPLICATION NARRATIVE THAT DESCRIBES HOW THE
18 ELIGIBLE ENTITY WILL USE THE GRANT, INCLUDING HOW THE GRANT WILL
19 ADDRESS ALCOHOL USE OR ALCOHOL USE DISORDER AND HOW THE
20 ELIGIBLE ENTITY WILL ENSURE THAT THE FUNDS ARE NOT USED SOLELY
21 FOR NONALCOHOL-RELATED SUBSTANCE USE DISORDERS;

22 (II) THE PROVIDERS WHO WILL RECEIVE GRANT FUNDS, INCLUDING
23 INFORMATION ABOUT THEIR HISTORY, MISSION, LOCATIONS, AND
24 LEADERSHIP;

25 (III) A PROPOSED BUDGET AND WHETHER THE PROPOSED PROGRAM
26 OR SERVICES MEET THE REQUIREMENTS SPECIFIED IN THIS SECTION; AND

27 (IV) THE AMOUNT OF IN-KIND CONTRIBUTIONS MADE OR

1 MATCHING FUNDS CONTRIBUTED, IF ANY, TO THE PROJECT BUDGET FROM
2 THE APPLICANT OR OTHER SOURCES OUTSIDE OF THE GRANT.

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

6 (7) (a) ON OR BEFORE JUNE 15, 2027, AND ON OR BEFORE JUNE 15
7 EACH YEAR THEREAFTER, THE ENTERPRISE BOARD SHALL SUBMIT A
8 WRITTEN REPORT TO THE HEALTH AND HUMAN SERVICES COMMITTEE OF
9 THE SENATE, THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE
10 HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES; THE JOINT
11 BUDGET COMMITTEE OF THE GENERAL ASSEMBLY; THE OFFICE OF THE
12 ATTORNEY GENERAL; AND THE GOVERNOR. THE REPORT MUST INCLUDE,
13 BUT NEED NOT BE LIMITED TO:

14 (I) THE RECOMMENDATIONS FORMULATED PURSUANT TO
15 SUBSECTION (6)(a) OF THIS SECTION;

16 (II) A DESCRIPTION OF HOW THE FEE IS CALCULATED AND THE
17 PROCESS BY WHICH THE FEE IS ASSESSED AND COLLECTED;

18 (III) AN ITEMIZATION OF THE TOTAL AMOUNT OF THE FEE PAID BY
19 EACH MANUFACTURER OR WHOLESALE ALCOHOL DISTRIBUTOR BY SPECIFIC
20 ALCOHOL BEVERAGE SOLD;

21 (IV) AN ITEMIZATION OF THE COSTS INCURRED BY THE ENTERPRISE
22 IN IMPLEMENTING AND ADMINISTERING THE FEE;

23 (V) THE PERCENTAGE OF MONEY THAT WAS ALLOCATED TO EACH
24 OF THE GRANT PROGRAMS CREATED IN THIS ARTICLE 2;

25 (VI) FOR MONEY DISTRIBUTED PURSUANT TO SUBSECTION
26 44-2-107 (1), AN ITEMIZATION OF SERVICES AND PROJECTS FUNDED
27 THROUGH THE ENTERPRISE, INCLUDING:

- 1 (A) DATA REPORTED FROM BHASOs;
- 2 (B) THE AMOUNT OF MONEY DISTRIBUTED TO EACH PROVIDER AND
3 ELIGIBLE ENTITY, AS DESCRIBED IN SECTION 44-2-107 (1), BY AMOUNT
4 AND PROVIDER AND ELIGIBLE ENTITY;
- 5 (C) THE NUMBER OF INDIVIDUALS SERVED, INCLUDING THEIR
6 DEMOGRAPHIC DATA;
- 7 (D) FOR EACH INDIVIDUAL SERVED, IF THE MONEY WAS USED FOR
8 A COPAYMENT, DEDUCTIBLE, OR OTHER COST NOT OTHERWISE COVERED
9 BY INSURANCE;
- 10 (E) FOR EACH INDIVIDUAL SERVED, IF THE INDIVIDUAL WITH AN
11 ALCOHOL OR RELATED SUBSTANCE USE DISORDER REQUIRED MONEY
12 BECAUSE OF LACK OF INSURANCE COVERAGE, INFORMATION ON THE
13 INDIVIDUAL'S TYPE OF INSURANCE AND THE LEVEL AND TYPE OF CARE
14 NEEDED;
- 15 (F) THE NUMBER OF INDIVIDUALS SERVED IN EACH PRIORITY
16 POPULATION CATEGORY, AS DEFINED BY THE ENTERPRISE BOARD
17 PURSUANT TO SECTION 44-2-107 (2)(b); AND
- 18 (G) FOR EACH INDIVIDUAL SERVED, THE REFERRAL SOURCE;
- 19 (VII) FOR ALL GRANT PROGRAMS ADMINISTERED THROUGH THE
20 ENTERPRISE, THE NAME OF EACH ENTITY THAT RECEIVED A GRANT
21 THROUGH EACH GRANT PROGRAM, THE AMOUNT OF MONEY AWARDED TO
22 EACH ENTITY, AND THE USE OF AND OUTCOMES ASSOCIATED WITH THE USE
23 OF THE MONEY; AND
- 24 (VIII) TRENDS IN ALCOHOL-RELATED MORBIDITY AND MORTALITY
25 IN THE PREVIOUS CALENDAR YEAR.
- 26 (b) THIS SUBSECTION (7) IS EXEMPT FROM SECTION 24-1-136
27 (11)(a)(I), AND THE PERIODIC REPORTING REQUIREMENT OF THIS

1 SUBSECTION (7) REMAINS IN EFFECT UNTIL CHANGED BY THE GENERAL
2 ASSEMBLY ACTING BY BILL.

3 **44-2-111. Audit of Colorado alcohol impact and recovery**
4 **enterprise - notice to revisor of statutes - repeal.** (1) DURING THE
5 2030-31 STATE FISCAL YEAR, AND DURING EVERY FOURTH STATE FISCAL
6 YEAR THEREAFTER, THE STATE AUDITOR SHALL CONDUCT AN AUDIT OF
7 THE ENTERPRISE ESTABLISHED PURSUANT TO THIS ARTICLE 2. THE
8 ENTERPRISE SHALL PAY THE COSTS OF THE AUDIT OF THE ENTERPRISE. THE
9 STATE AUDITOR SHALL REPORT THE FINDINGS FROM THE AUDITS, ALONG
10 WITH ANY COMMENTS AND RECOMMENDATIONS, TO THE GOVERNOR AND
11 TO THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE AND
12 THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF
13 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES. THE STATE AUDITOR
14 HAS CONTINUING AUTHORITY TO CONDUCT AUDITS OF THE ENTERPRISE AS
15 THE STATE AUDITOR DEEMS APPROPRIATE. THE ENTERPRISE SHALL PAY
16 THE COSTS OF ANY SUBSEQUENT AUDIT OF THE ENTERPRISE.

17 (2) (a) AS PART OF THE AUDIT CONDUCTED DURING THE 2042-43
18 STATE FISCAL YEAR, THE STATE AUDITOR SHALL ALSO CONSIDER WHETHER
19 IT IS NECESSARY TO CONTINUE TO CONDUCT THE AUDITS REQUIRED BY
20 SUBSECTION (1) OF THIS SECTION. IF THE STATE AUDITOR DETERMINES
21 THAT IT IS NO LONGER NECESSARY TO CONDUCT THE AUDITS, THE STATE
22 AUDITOR MUST PROVIDE WRITTEN NOTICE TO THE REVISOR OF STATUTES
23 OF SUCH A DETERMINATION BY E-MAILING THE NOTICE TO
24 REVISOROFSTATUTES.GA@COLEG.GOV.

25 (b) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30 FOLLOWING
26 THE RECEIPT OF THE NOTICE AUTHORIZED BY SUBSECTION (2)(a) OF THIS
27 SECTION.

1 **SECTION 2.** In Colorado Revised Statutes, 24-1-117, **add** (4.5)
2 as follows:

3 **24-1-117. Department of revenue - creation.** (4.5) THE
4 DEPARTMENT OF REVENUE INCLUDES THE COLORADO ALCOHOL IMPACT
5 AND RECOVERY ENTERPRISE CREATED IN SECTION 44-2-104 (1)(a), WHICH
6 IS A **TYPE 2** ENTITY.

7

==

8 **SECTION 3.** **Safety clause.** The general assembly finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, or safety or for appropriations for
11 the support and maintenance of the departments of the state and state
12 institutions.