

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0406.02 Jacob Baus x2173

HOUSE BILL 26-1271

HOUSE SPONSORSHIP

Jackson and Bacon,

SENATE SPONSORSHIP

Amabile and Jodeh,

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF ENTERPRISES TO ADDRESS THE
102 IMPACTS OF ALCOHOL USE.

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 three enterprises (enterprises) in the behavioral health administration; the:

- Beer, cider, and apple wine impact and recovery enterprise;
- Spirits impact and recovery enterprise; and
- Wine impact and recovery enterprise.

The enterprises collect a fee from licensees that are manufacturers

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 wholesalers that distribute alcohol in Colorado, and use the fee for services described in the bill.

The bill creates an alcohol impact and recovery enterprise board that governs the enterprises.

The bill requires the state auditor to conduct an audit of the enterprise in the 2032-33 state fiscal year and each fourth state fiscal year thereafter.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 83 to title
3 27 as follows:

4 **ARTICLE 83**

5 **Behavioral Health Treatment**
6 **and Recovery Enterprises Act**

7 **27-83-101. Short title.**

8 THE SHORT TITLE OF THIS ARTICLE 83 IS THE "BEHAVIORAL HEALTH
9 TREATMENT AND RECOVERY ENTERPRISES ACT".

10 **27-83-102. Legislative declaration.**

11 (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

12 (a) ALCOHOL USE CAN CAUSE SERIOUS MEDICAL CONDITIONS OR
13 DEATH;

14 (b) THE INTENT OF THIS ARTICLE 83 IS TO ESTABLISH THREE
15 ENTERPRISES TO COLLECT FEES FROM THE MANUFACTURERS AND
16 DISTRIBUTORS OF ALCOHOL TO DEFRAY THE DIRECT AND INDIRECT COSTS
17 ASSOCIATED WITH MITIGATING ALCOHOL-RELATED HARMS CAUSED BY THE
18 PRODUCTS OF ALCOHOL MANUFACTURERS AND DISTRIBUTORS;

19 (c) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
20 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
21 P.2d 859 (COLO. 1995), THE POWER TO IMPOSE TAXES IS INCONSISTENT
22 WITH ENTERPRISE STATUS PURSUANT TO SECTION 20 OF ARTICLE X OF THE

1 STATE CONSTITUTION, AND THE GENERAL ASSEMBLY CONCLUDES THAT
2 THE REVENUE COLLECTED BY THE THREE ENTERPRISES IS A FEE, NOT A
3 TAX, BECAUSE THE FEES ARE IMPOSED TO DEFRAID THE DIRECT AND
4 INDIRECT COSTS ASSOCIATED WITH MITIGATING ALCOHOL-RELATED
5 HARMS CAUSED BY THE PRODUCTS OF ALCOHOL MANUFACTURERS AND
6 DISTRIBUTORS; AND

7 (d) MANUFACTURERS AND WHOLESALE DISTRIBUTORS OF ALCOHOL
8 SHOULD BEAR SOME OF THE INCREASED COSTS ASSOCIATED WITH
9 MITIGATING ALCOHOL-RELATED HARMS CAUSED BY THE PRODUCTS OF
10 ALCOHOL MANUFACTURERS AND DISTRIBUTORS.

11 **27-83-103. Definitions.**

12 AS USED IN THIS ARTICLE 83, UNLESS THE CONTEXT OTHERWISE
13 REQUIRES:

14 (1) "ALCOHOL IMPACT AND RECOVERY ENTERPRISES FEE
15 COLLECTION FUND" MEANS THE ALCOHOL IMPACT AND RECOVERY
16 ENTERPRISES FEE COLLECTION FUND CREATED IN SECTION 27-83-108.

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

21 (3) "APPLE WINE" MEANS AN ALCOHOL BEVERAGE THAT IS NOT
22 CIDER AND THAT CONTAINS AT LEAST ONE-HALF OF ONE PERCENT
23 ALCOHOL BY VOLUME AND NOT MORE THAN TWENTY-TWO PERCENT
24 ALCOHOL BY VOLUME THAT CONTAINS THE JUICE OR CONCENTRATED JUICE
25 OF APPLES OR PEARS.

26 (4) "BEER" MEANS:

27 (a) FERMENTED MALT BEVERAGE, AS DEFINED IN SECTION

1 44-4-103; AND

2 (b) MALT LIQUORS, AS DEFINED IN SECTION 44-3-103.

3 (5) "BEER, CIDER, AND APPLE WINE IMPACT AND RECOVERY
4 ENTERPRISE" MEANS THE BEER, CIDER, AND APPLE WINE IMPACT AND
5 RECOVERY ENTERPRISE CREATED IN SECTION 27-83-105.

6 (6) "BEER, CIDER, AND APPLE WINE IMPACT AND RECOVERY FEE"
7 MEANS THE BEER, CIDER, AND APPLE WINE IMPACT AND RECOVERY FEE
8 CREATED IN SECTION 27-83-105.

9 (7) "BEER, CIDER, AND APPLE WINE IMPACT AND RECOVERY FUND"
10 MEANS THE BEER, CIDER, AND APPLE WINE IMPACT AND RECOVERY
11 ENTERPRISE CREATED IN SECTION 27-83-105.

12 (8) "BEHAVIORAL HEALTH ADMINISTRATION" OR "BHA" MEANS
13 THE BEHAVIORAL HEALTH ADMINISTRATION IN THE DEPARTMENT OF
14 HUMAN SERVICES ESTABLISHED PURSUANT TO SECTION 27-50-102.

15 (9) "BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES
16 ORGANIZATION" OR "BHASO" MEANS AN ORGANIZATION SELECTED BY
17 AND CONTRACTED WITH THE BEHAVIORAL HEALTH ADMINISTRATION
18 PURSUANT TO SECTION 27-50-401 TO MANAGE A NETWORK OF PROVIDERS
19 TO DELIVER A CONTINUUM OF BEHAVIORAL HEALTH SERVICES AND CARE
20 COORDINATION IN THE ORGANIZATION'S REGION.

21 (10) "BOARD" MEANS THE ALCOHOL IMPACT AND RECOVERY
22 ENTERPRISE BOARD CREATED IN SECTION 27-83-104.

23 (11) "CIDER" MEANS HARD CIDER, AS DEFINED IN SECTION
24 44-3-103.

25 (12) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE.

26 (13) "MANUFACTURER OR WHOLESALE ALCOHOL DISTRIBUTOR"
27 MEANS ANY PERSON HOLDING ANY OF THE FOLLOWING LICENSES ISSUED

1 BY THE STATE LICENSING AUTHORITY PURSUANT TO ARTICLE 3 OF TITLE
2 44:

- 3 (a) MANUFACTURER'S LICENSE;
- 4 (b) LIMITED WINERY LICENSE;
- 5 (c) WHOLESALER'S LIQUOR LICENSE;
- 6 (d) WHOLESALER'S BEER LICENSE;
- 7 (e) BREW PUB LICENSE;
- 8 (f) DISTILLERY PUB LICENSE; OR
- 9 (g) VINTNER'S RESTAURANT LICENSE.

10 (14) "SPIRITS" MEANS SPIRITOUS LIQUORS, AS DEFINED IN SECTION
11 44-3-103.

12 (15) "SPIRITS IMPACT AND RECOVERY ENTERPRISE" MEANS THE
13 SPIRITS IMPACT AND RECOVERY ENTERPRISE CREATED IN SECTION
14 27-83-106.

15 (16) "SPIRITS IMPACT AND RECOVERY FEE" MEANS THE SPIRITS
16 IMPACT AND RECOVERY FEE CREATED IN SECTION 27-83-106.

17 (17) "SPIRITS IMPACT AND RECOVERY FUND" MEANS THE SPIRITS
18 IMPACT AND RECOVERY FUND CREATED IN SECTION 27-83-106.

19 (18) "WINE" MEANS VINOUS LIQUORS, AS DEFINED IN SECTION
20 44-3-103; EXCEPT THAT "WINE" DOES NOT INCLUDE HARD CIDER OR APPLE
21 WINE.

22 (19) "WINE IMPACT AND RECOVERY ENTERPRISE" MEANS THE WINE
23 IMPACT AND RECOVERY ENTERPRISE CREATED IN SECTION 27-83-107.

24 (20) "WINE IMPACT AND RECOVERY FEE" MEANS THE WINE IMPACT
25 AND RECOVERY FEE CREATED IN SECTION 27-83-107.

26 (21) "WINE IMPACT AND RECOVERY FUND" MEANS THE WINE
27 IMPACT AND RECOVERY FUND CREATED IN SECTION 27-83-107.

1 **27-83-104. Board - creation - membership - powers and duties.**

2 (1) THE ALCOHOL IMPACT AND RECOVERY BOARD OF DIRECTORS
3 GOVERNS THE BEER, CIDER, AND APPLE WINE IMPACT AND RECOVERY
4 ENTERPRISE, THE SPIRITS IMPACT AND RECOVERY ENTERPRISE, AND THE
5 WINE IMPACT AND RECOVERY ENTERPRISE.

6 (2) (a) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS WHO
7 ARE APPOINTED BY THE GOVERNOR:

8 (I) ONE MEMBER WHO REPRESENTS THE BEER, CIDER, OR APPLE
9 WINE INDUSTRY;

10 (II) ONE MEMBER WHO REPRESENTS THE SPIRITS INDUSTRY;

11 (III) ONE MEMBER WHO REPRESENTS THE WINE INDUSTRY;

12 (IV) THREE MEMBERS WHO ARE LICENSED BEHAVIORAL HEALTH
13 PROFESSIONALS WHO HAVE EXPERTISE IN ALCOHOL USE DISORDER
14 TREATMENT;

15 (V) TWO MEMBERS WHO ARE IN RECOVERY FOR AN ALCOHOL USE
16 DISORDER;

17 (VI) ONE MEMBER WHO IS A PUBLIC HEALTH PROFESSIONAL;

18 (VII) ONE MEMBER WHO IS AN EXPERT IN YOUTH AND FAMILY
19 ALCOHOL USE PREVENTION; AND

20 (VIII) ONE MEMBER WHO IS A FINANCE OR ECONOMICS
21 PROFESSIONAL.

22 (b) (I) EACH BOARD MEMBER TERM IS FOUR YEARS.

23 (II) ON OR BEFORE JANUARY 1, 2027, THE GOVERNOR SHALL
24 APPOINT THE BOARD MEMBERS.

25 (c) IF A VACANCY OF A BOARD MEMBER OCCURS, THE GOVERNOR
26 SHALL PROMPTLY APPOINT A NEW MEMBER TO COMPLETE THE TERM. THE
27 NEW MEMBER MUST SATISFY THE SAME QUALIFICATION REQUIREMENT

1 DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION AS THE BOARD MEMBER
2 WHO VACATED THEIR SEAT.

3 (d) BOARD MEMBERS SERVE WITHOUT COMPENSATION BUT MAY BE
4 REIMBURSED FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE
5 PERFORMANCE OF THEIR DUTIES PURSUANT TO THIS ARTICLE 83.

6 (3) THE BOARD SHALL, AT A MINIMUM:

7 (a) REVIEW CURRENT STATE PLANS RELATED TO ALCOHOL USE
8 DISORDER AND FETAL ALCOHOL SPECTRUM DISORDERS PREVENTION,
9 EARLY INTERVENTION, TREATMENT, RECOVERY, AND HARM REDUCTION
10 SUPPORT SERVICES IN ORDER TO FORMULATE RECOMMENDATIONS FOR
11 USES OF MONEY IN THE BEER, CIDER, AND APPLE WINE IMPACT AND
12 RECOVERY FUND, THE SPIRITS IMPACT AND RECOVERY FUND, AND THE
13 WINE IMPACT AND RECOVERY FUND;

14 (b) REVIEW AND APPROVE AN ANNUAL BUDGET FOR THE BEER,
15 CIDER, AND APPLE WINE IMPACT AND RECOVERY ENTERPRISE, THE SPIRITS
16 IMPACT AND RECOVERY ENTERPRISE, AND THE WINE IMPACT AND
17 RECOVERY ENTERPRISE;

18 (c) REVIEW AND APPROVE RECOMMENDATIONS FOR ALLOCATION
19 OF MONEY IN THE BEER, CIDER, AND APPLE WINE IMPACT AND RECOVERY
20 FUND, THE SPIRITS IMPACT AND RECOVERY FUND, AND THE WINE IMPACT
21 AND RECOVERY FUND;

22 (d) REVIEW THE OUTCOMES ACHIEVED WITH THE ALLOCATIONS;
23 AND

24 (e) COMPLY WITH REPORTING AND AUDITING REQUIREMENTS
25 PURSUANT TO SECTION 27-83-109.

26 (4) IN ADDITION TO POWERS AND DUTIES SPECIFIED IN THIS
27 ARTICLE 83, THE BOARD IS AUTHORIZED TO:

1 (a) ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND
2 CONDUCT OF ITS BUSINESS AND THE BUSINESS OF THE BEER, CIDER, AND
3 APPLE WINE IMPACT AND RECOVERY ENTERPRISE, THE SPIRITS IMPACT AND
4 RECOVERY ENTERPRISE, AND THE WINE IMPACT AND RECOVERY
5 ENTERPRISE;

6 (b) ACQUIRE, HOLD TITLE TO, AND DISPOSE OF REAL AND
7 PERSONAL PROPERTY;

8 (c) AUTHORIZE AND ISSUE REVENUE BONDS THAT ARE PAYABLE
9 FROM MONEY IN THE BEER, CIDER, AND APPLE WINE IMPACT AND
10 RECOVERY FUND, THE SPIRITS IMPACT AND RECOVERY FUND, AND THE
11 WINE IMPACT AND RECOVERY FUND;

12 (d) EMPLOY AND SUPERVISE INDIVIDUALS AS ARE NECESSARY IN
13 ITS JUDGMENT;

14 (e) CONTRACT WITH ANY PUBLIC OR PRIVATE ENTITY, INCLUDING
15 STATE AGENCIES, CONSULTANTS, AND THE ATTORNEY GENERAL'S OFFICE,
16 FOR PROFESSIONAL AND TECHNICAL ASSISTANCE, OFFICE SPACE AND
17 ADMINISTRATIVE SERVICES, ADVICE, AND OTHER SERVICES RELATED TO
18 THE CONDUCT OF THE AFFAIRS OF THE BEER, CIDER, AND APPLE WINE
19 IMPACT AND RECOVERY ENTERPRISE, THE SPIRITS IMPACT AND RECOVERY
20 ENTERPRISE, AND THE WINE IMPACT AND RECOVERY ENTERPRISE; AND

21 (f) TO ADOPT, AMEND, OR REPEAL POLICIES FOR THE REGULATION
22 OF THE BEER, CIDER, AND APPLE WINE IMPACT AND RECOVERY
23 ENTERPRISE'S AFFAIRS, THE SPIRITS IMPACT AND RECOVERY ENTERPRISE'S
24 AFFAIRS, AND THE WINE IMPACT AND RECOVERY ENTERPRISE'S AFFAIRS.

25 (5) THE BEER, CIDER, AND APPLE WINE IMPACT AND RECOVERY
26 ENTERPRISE, THE SPIRITS IMPACT AND RECOVERY ENTERPRISE, AND THE
27 WINE IMPACT AND RECOVERY ENTERPRISE SHALL PAY A FAIR MARKET

1 RATE TO ANY PUBLIC ENTITY, PRIVATE ENTITY, CONTRACTOR, OR
2 CONSULTANT, WHICH MAY INCLUDE A STATE AGENCY, THE ATTORNEY
3 GENERAL'S OFFICE, OR THE DEPARTMENT, THAT IS HIRED BY THE
4 ENTERPRISE TO PERFORM DUTIES.

5 (6) IF A BOARD MEMBER HAS A CONFLICT OF INTEREST WITH
6 RESPECT TO ANY MATTER SCHEDULED FOR HEARING BEFORE THE BOARD,
7 THE BOARD MEMBER SHALL RECUSE THEMSELF FROM ANY DISCUSSION AND
8 DECISION ON THE MATTER UNLESS, AFTER FULL DISCLOSURE OF THE FACTS
9 GIVING RISE TO THE CONFLICT, ALL BOARD MEMBERS AGREE TO WAIVE THE
10 CONFLICT.

11 **27-83-105. Beer, cider, and apple wine impact and recovery**
12 **enterprise - creation - powers and duties - fund - fees - loan - repeal.**

13 (1) (a) THE BEER, CIDER, AND APPLE WINE IMPACT AND RECOVERY
14 ENTERPRISE IS CREATED IN THE BEHAVIORAL HEALTH ADMINISTRATION.
15 THE PRIMARY BUSINESS PURPOSE OF THE BEER, CIDER, AND APPLE WINE
16 IMPACT AND RECOVERY ENTERPRISE IS TO DEFRAY THE DIRECT AND
17 INDIRECT COSTS ASSOCIATED WITH MITIGATING HARMS CAUSED BY BEER,
18 CIDER, AND APPLE WINE MANUFACTURED OR DISTRIBUTED IN THE STATE.
19 TO ALLOW THE BEER, CIDER, AND APPLE WINE IMPACT AND RECOVERY
20 ENTERPRISE TO ACCOMPLISH THIS BUSINESS PURPOSE, THE BEER, CIDER,
21 AND APPLE WINE IMPACT AND RECOVERY ENTERPRISE SHALL PROVIDE:

22 (I) BUSINESS-RELATED SERVICES FOR ALCOHOL USE DISORDER AND
23 FETAL ALCOHOL SPECTRUM DISORDERS; AND

24 (II) A SUSTAINABLE SOURCE OF MONEY TO PAY FOR THE SERVICES
25 DESCRIBED IN SUBSECTION (1)(a)(I) OF THIS SECTION.

26 (b) THE BEER, CIDER, AND APPLE WINE IMPACT AND RECOVERY
27 ENTERPRISE IS AND OPERATES AS A GOVERNMENT-OWNED BUSINESS

1 WITHIN THE BEHAVIORAL HEALTH ADMINISTRATION FOR THE PURPOSES OF:

2 (I) CHARGING, COLLECTING, AND EXPENDING MONEY FROM THE
3 BEER, CIDER, AND APPLE WINE IMPACT AND RECOVERY FEE; AND

4 (II) UTILIZING THE MONEY COLLECTED FROM THE BEER, CIDER,
5 AND APPLE WINE IMPACT AND RECOVERY FEE TO EQUITABLY DISTRIBUTE
6 THE MONEY TO SUPPORT THE SERVICES DESCRIBED IN SUBSECTION (1)(a)(I)
7 OF THIS SECTION IN COMMUNITIES THROUGHOUT THE STATE BASED ON THE
8 IDENTIFIED NEEDS OF EACH COMMUNITY, INCLUDING:

9 (A) PUBLIC AWARENESS AND PREVENTION CAMPAIGNS
10 CONDUCTED BY, AND IN PARTNERSHIP WITH, MANUFACTURER OR
11 WHOLESALE ALCOHOL DISTRIBUTORS;

12 (B) PROGRAMS THAT PREVENT AND DETER DRIVING UNDER THE
13 INFLUENCE, DRIVING WHILE ABILITY IMPAIRED, AND DRUNK DRIVING; AND

14 (C) PREVENTION, EARLY INTERVENTION, AND COMMUNITY
15 OUTREACH PROGRAMS AND SERVICES CONDUCTED BY PROVIDERS IN THE
16 BEHAVIORAL HEALTH ADMINISTRATION'S PROVIDER NETWORK, AS
17 ADMINISTERED BY BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES
18 ORGANIZATIONS, WITH PRIORITIZATION FOR PROGRAMS AND SERVICES
19 THAT SERVE VETERANS.

20 (c) THE BEER, CIDER, AND APPLE WINE IMPACT AND RECOVERY
21 ENTERPRISE IS GOVERNED BY THE BOARD.

22 (2) THE BEER, CIDER, AND APPLE WINE IMPACT AND RECOVERY
23 ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES OF SECTION 20
24 OF ARTICLE X OF THE STATE CONSTITUTION WHILE IT RETAINS THE
25 AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS THAN TEN
26 PERCENT OF ITS TOTAL REVENUE IN GRANTS FROM ALL COLORADO STATE
27 AND LOCAL GOVERNMENTS COMBINED. AS LONG AS THE BEER, CIDER, AND

1 APPLE WINE IMPACT AND RECOVERY ENTERPRISE CONSTITUTES AN
2 ENTERPRISE PURSUANT TO THIS SUBSECTION (2), IT IS NOT SUBJECT TO ANY
3 PROVISIONS OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION.

4 (3) THE BEER, CIDER, AND APPLE WINE IMPACT AND RECOVERY
5 ENTERPRISE IS A **TYPE 2** ENTITY AS DEFINED IN SECTION 24-1-105 AND
6 EXERCISES ITS POWERS AND PERFORMS ITS DUTIES UNDER THE
7 BEHAVIORAL HEALTH ADMINISTRATION.

8 (4) THE BEER, CIDER, AND APPLE WINE IMPACT AND RECOVERY
9 ENTERPRISE'S PRIMARY POWERS AND DUTIES ARE:

10 (a) TO CHARGE THE BEER, CIDER, AND APPLE WINE IMPACT AND
11 RECOVERY FEE; AND

12 (b) TO EXPEND BEER, CIDER, AND APPLE WINE IMPACT AND
13 RECOVERY FEE REVENUE, MATCHING FEDERAL MONEY, AND ANY OTHER
14 MONEY FROM THE BEER, CIDER, AND APPLE WINE IMPACT AND RECOVERY
15 FUND.

16 (5) (a) THE BEER, CIDER, AND APPLE WINE IMPACT AND RECOVERY
17 ENTERPRISE FUND IS CREATED IN THE STATE TREASURY. THE BEER, CIDER,
18 AND APPLE WINE IMPACT AND RECOVERY ENTERPRISE FUND CONSISTS OF
19 MONEY CREDITED TO THE BEER, CIDER, AND APPLE WINE IMPACT AND
20 RECOVERY ENTERPRISE FUND AND ANY GIFTS, GRANTS, OR DONATIONS
21 RECEIVED PURSUANT TO SUBSECTION (5)(d) OF THIS SECTION.

22 (b) THE MONEY IN THE BEER, CIDER, AND APPLE WINE IMPACT AND
23 RECOVERY ENTERPRISE FUND MUST NOT BE DEPOSITED INTO OR
24 TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND. THE STATE
25 TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE
26 DEPOSIT AND INVESTMENT OF MONEY IN THE BEER, CIDER, AND APPLE
27 WINE IMPACT AND RECOVERY ENTERPRISE FUND TO THE BEER, CIDER, AND

1 APPLE WINE IMPACT AND RECOVERY ENTERPRISE FUND. ANY
2 UNENCUMBERED MONEY IN THE BEER, CIDER, AND APPLE WINE IMPACT
3 AND RECOVERY ENTERPRISE FUND REMAINS IN THE BEER, CIDER, AND
4 APPLE WINE IMPACT AND RECOVERY ENTERPRISE FUND AND MUST NOT BE
5 CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

6 (c) MONEY IN THE BEER, CIDER, AND APPLE WINE IMPACT AND
7 RECOVERY ENTERPRISE FUND IS CONTINUOUSLY APPROPRIATED TO THE
8 BEER, CIDER, AND APPLE WINE IMPACT AND RECOVERY ENTERPRISE FOR
9 THE PURPOSES OF:

10 (I) PAYING FOR ANY DIRECT AND INDIRECT ADMINISTRATIVE
11 EXPENSES INCURRED BY THE BEER, CIDER, AND APPLE WINE IMPACT AND
12 RECOVERY ENTERPRISE, NOT TO EXCEED FIVE PERCENT OF THE AMOUNT OF
13 MONEY IN THE BEER, CIDER, AND APPLE WINE IMPACT AND RECOVERY
14 ENTERPRISE FUND; AND

15 (II) CARRYING OUT THE PURPOSES OF THIS SECTION.

16 (d) THE BOARD MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS,
17 OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF
18 THIS SECTION, AS LONG AS THE COMBINATION OF GRANTS FROM STATE AND
19 LOCAL GOVERNMENTS IS LESS THAN TEN PERCENT OF THE BEER, CIDER,
20 AND APPLE WINE IMPACT AND RECOVERY ENTERPRISE'S TOTAL REVENUE.
21 ANY MONEY RECEIVED PURSUANT TO THIS SUBSECTION (5)(d) MUST BE
22 TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEY
23 TO THE BEER, CIDER, AND APPLE WINE IMPACT AND RECOVERY ENTERPRISE
24 FUND.

25 (6) (a) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2027,
26 AND FOR EACH STATE FISCAL YEAR THEREAFTER, UNLESS ADJUSTED
27 PURSUANT TO SUBSECTION (6)(b) OF THIS SECTION, THE BEER, CIDER, AND

1 APPLE WINE IMPACT AND RECOVERY ENTERPRISE IS AUTHORIZED TO
2 CHARGE A BEER, CIDER, AND APPLE WINE IMPACT AND RECOVERY FEE
3 THAT IS REASONABLY CALCULATED BASED ON THE COSTS OF THE SERVICES
4 PROVIDED BY THE BEER, CIDER, AND APPLE WINE IMPACT AND RECOVERY
5 ENTERPRISE FROM EVERY MANUFACTURER OR WHOLESALE ALCOHOL
6 DISTRIBUTOR OF \$0.05 ON EVERY GALLON OF BEER, CIDER, AND APPLE
7 WINE DISTRIBUTED IN COLORADO.

8 (b) IF THE BEER, CIDER, AND APPLE WINE IMPACT AND RECOVERY
9 ENTERPRISE FINDS THE BEER, CIDER, AND APPLE WINE IMPACT AND
10 RECOVERY FEE NEEDS TO BE INCREASED OR DECREASED SO THAT THE FEE
11 IS REASONABLY CALCULATED BASED ON THE COSTS OF THE SERVICES
12 PROVIDED BY THE BEER, CIDER, AND APPLE WINE IMPACT AND RECOVERY
13 ENTERPRISE, THE BEER, CIDER, AND APPLE WINE IMPACT AND RECOVERY
14 ENTERPRISE SHALL RECOMMEND THE BEER, CIDER, AND APPLE WINE
15 IMPACT AND RECOVERY FEE INCREASE OR DECREASE TO THE HOUSE OF
16 REPRESENTATIVES FINANCE COMMITTEE AND THE SENATE FINANCE
17 COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, NO LATER THAN
18 DECEMBER 15 PRIOR TO THE STATE FISCAL YEAR DURING WHICH THE
19 ADJUSTMENT WILL BECOME EFFECTIVE. THE RECOMMENDATION MUST
20 INCLUDE PROPOSED INFLATIONARY CHANGES, ANY CHANGES BASED ON
21 THE COSTS OF THE BUSINESS SERVICES PROVIDED BY THE BEER, CIDER, AND
22 APPLE WINE IMPACT AND RECOVERY ENTERPRISE, AND ANY OTHER
23 INFORMATION DEEMED RELEVANT BY THE BOARD. THE BEER, CIDER, AND
24 APPLE WINE IMPACT AND RECOVERY ENTERPRISE SHALL NOT ADJUST THE
25 FEE UNLESS APPROVED BY THE GENERAL ASSEMBLY ACTING BY BILL, AND
26 THE FEE MUST NOT BE GREATER THAN \$0.05 ON EVERY GALLON OF BEER,
27 CIDER, AND APPLE WINE DISTRIBUTED IN COLORADO.

1 (c) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL
2 COLLECT, ADMINISTER, AND ENFORCE THE BEER, CIDER, AND APPLE WINE
3 IMPACT AND RECOVERY FEE IMPOSED BY THIS SUBSECTION (6) AS
4 REQUIRED PURSUANT TO SECTION 27-83-108.

5 (7) (a) ON SEPTEMBER 1, 2026, OR AS SOON AS POSSIBLE
6 THEREAFTER, THE STATE TREASURER SHALL TRANSFER SIX HUNDRED FIFTY
7 THOUSAND DOLLARS FROM THE GENERAL FUND TO THE BEER, CIDER, AND
8 APPLE WINE IMPACT AND RECOVERY FUND FOR THE PURPOSE OF
9 DEFRAYING EXPENSES INCURRED BY THE BEER, CIDER, AND APPLE WINE
10 IMPACT AND RECOVERY ENTERPRISE BEFORE IT RECEIVES REVENUE FROM
11 THE FEE OR REVENUE BOND PROCEEDS. NOTWITHSTANDING ANY OTHER
12 LAW, THE BEER, CIDER, AND APPLE WINE IMPACT AND RECOVERY
13 ENTERPRISE MAY ACCEPT AND EXPEND ANY MONEY TRANSFERRED, AND,
14 NOTWITHSTANDING ANY STATE FISCAL RULE OR GENERALLY ACCEPTED
15 ACCOUNTING PRINCIPLE THAT COULD OTHERWISE BE INTERPRETED TO
16 REQUIRE A CONTRARY CONCLUSION, THE TRANSFER IS A LOAN FROM THE
17 STATE TREASURER TO THE BEER, CIDER, AND APPLE WINE IMPACT AND
18 RECOVERY ENTERPRISE THAT IS REQUIRED TO BE REPAYED AND IS NOT A
19 GRANT FOR PURPOSES OF SECTION 20 (2)(d) OF ARTICLE X OF THE STATE
20 CONSTITUTION OR AS DEFINED IN SECTION 24-77-102. LOAN LIABILITIES
21 THAT ARE RECORDED IN THE BEER, CIDER, AND APPLE WINE IMPACT AND
22 RECOVERY FUND BUT ARE NOT REQUIRED TO BE PAID IN THE CURRENT
23 STATE FISCAL YEAR MUST NOT BE CONSIDERED WHEN CALCULATING
24 SUFFICIENT STATUTORY FUND BALANCE FOR PURPOSES OF SECTION
25 24-75-109.

26 (b) NO LATER THAN JULY 1, 2029, THE BEER, CIDER, AND APPLE
27 WINE IMPACT AND RECOVERY ENTERPRISE SHALL REPAY THE LOAN OF SIX

1 HUNDRED FIFTY THOUSAND DOLLARS RECEIVED PURSUANT TO SUBSECTION
2 (7)(a) OF THIS SECTION AND ACCUMULATED INTEREST FROM THE BEER,
3 CIDER, AND APPLE WINE IMPACT AND RECOVERY FUND. INTEREST ACCRUES
4 ON THE MONEY BORROWED AT A RATE EQUIVALENT TO THE RATE PER
5 ANNUM ON THE MOST RECENTLY ISSUED TEN-YEAR UNITED STATES
6 TREASURY NOTE, ROUNDED TO THE NEAREST ONE-TENTH OF ONE PERCENT,
7 AS REPORTED BY THE "WALL STREET JOURNAL", AS OF THE DATE THE
8 TRANSFER REQUIRED BY SUBSECTION (7)(a) OF THIS SECTION IS MADE.
9 INTEREST ACCRUES AT THE RATE SPECIFIED IN THIS SUBSECTION (7)(b)
10 BEGINNING ON THAT DATE AND UNTIL THE DATE ON WHICH THE MONEY IS
11 REPAID.

12 (c) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JULY 1, 2031.

13 **27-83-106. Spirits impact and recovery enterprise - creation**
14 **- powers and duties - fund - fees - loan - repeal.**

15 (1) (a) THE SPIRITS IMPACT AND RECOVERY ENTERPRISE IS
16 CREATED IN THE BEHAVIORAL HEALTH ADMINISTRATION. THE PRIMARY
17 BUSINESS PURPOSE OF THE SPIRITS IMPACT AND RECOVERY ENTERPRISE IS
18 TO DEFRAY THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH
19 MITIGATING HARMS CAUSED BY SPIRITS MANUFACTURED OR DISTRIBUTED
20 IN THE STATE. TO ALLOW THE SPIRITS IMPACT AND RECOVERY ENTERPRISE
21 TO ACCOMPLISH THIS BUSINESS PURPOSE, THE SPIRITS IMPACT AND
22 RECOVERY ENTERPRISE SHALL PROVIDE:

23 (I) BUSINESS-RELATED SERVICES FOR ALCOHOL USE DISORDER AND
24 FETAL ALCOHOL SPECTRUM DISORDERS; AND

25 (II) A SUSTAINABLE SOURCE OF MONEY TO PAY FOR THE SERVICES
26 DESCRIBED IN SUBSECTION (1)(a)(I) OF THIS SECTION.

27 (b) THE SPIRITS IMPACT AND RECOVERY ENTERPRISE IS AND

1 OPERATES AS A GOVERNMENT-OWNED BUSINESS WITHIN THE BEHAVIORAL
2 HEALTH ADMINISTRATION FOR THE PURPOSES OF:

3 (I) CHARGING, COLLECTING, AND EXPENDING MONEY FROM THE
4 SPIRITS IMPACT AND RECOVERY FEE; AND

5 (II) UTILIZING THE MONEY COLLECTED FROM THE SPIRITS IMPACT
6 AND RECOVERY FEE TO EQUITABLY DISTRIBUTE THE MONEY TO SUPPORT
7 THE SERVICES DESCRIBED IN SUBSECTION (1)(a)(I) OF THIS SECTION IN
8 COMMUNITIES THROUGHOUT THE STATE BASED ON THE IDENTIFIED NEEDS
9 OF EACH COMMUNITY, INCLUDING:

10 (A) GUIDANCE AND TECHNICAL ASSISTANCE SERVICES TO
11 MANUFACTURER OR WHOLESALE ALCOHOL DISTRIBUTERS; AND

12 (B) HIGH-INTENSITY TREATMENT, INPATIENT CAPACITY, AND
13 CRISIS STABILIZATION PROGRAMS AND SERVICES CONDUCTED BY
14 PROVIDERS IN THE BEHAVIORAL HEALTH ADMINISTRATION'S PROVIDER
15 NETWORK, AS ADMINISTERED BY BEHAVIORAL HEALTH ADMINISTRATIVE
16 SERVICES ORGANIZATIONS, WITH PRIORITIZATION FOR PROGRAMS AND
17 SERVICES THAT SERVE VETERANS; AND

18 (c) THE SPIRITS IMPACT AND RECOVERY ENTERPRISE IS GOVERNED
19 BY THE BOARD.

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

1 STATE CONSTITUTION.

2 (3) THE SPIRITS IMPACT AND RECOVERY ENTERPRISE IS A **TYPE 2**
3 ENTITY AS DEFINED IN SECTION 24-1-105 AND EXERCISES ITS POWERS AND
4 PERFORMS ITS DUTIES UNDER THE BEHAVIORAL HEALTH ADMINISTRATION.

5 (4) THE SPIRITS IMPACT AND RECOVERY ENTERPRISE'S PRIMARY
6 POWERS AND DUTIES ARE:

7 (a) TO CHARGE AND COLLECT THE SPIRITS IMPACT AND RECOVERY
8 FEE; AND

9 (b) TO EXPEND SPIRITS IMPACT AND RECOVERY FEE REVENUE,
10 MATCHING FEDERAL MONEY, AND ANY OTHER MONEY FROM THE SPIRITS
11 IMPACT AND RECOVERY FUND.

12 (5) (a) THE SPIRITS IMPACT AND RECOVERY ENTERPRISE FUND IS
13 CREATED IN THE STATE TREASURY. THE SPIRITS IMPACT AND RECOVERY
14 ENTERPRISE FUND CONSISTS OF MONEY CREDITED TO THE SPIRITS IMPACT
15 AND RECOVERY ENTERPRISE FUND AND ANY GIFTS, GRANTS, OR
16 DONATIONS RECEIVED PURSUANT TO SUBSECTION (5)(d) OF THIS SECTION.

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

27 (c) MONEY IN THE SPIRITS IMPACT AND RECOVERY ENTERPRISE

1 FUND IS CONTINUOUSLY APPROPRIATED TO THE SPIRITS IMPACT AND
2 RECOVERY ENTERPRISE FOR THE PURPOSES OF:

3 (I) PAYING FOR ANY DIRECT AND INDIRECT ADMINISTRATIVE
4 EXPENSES INCURRED BY THE SPIRITS IMPACT AND RECOVERY ENTERPRISE,
5 NOT TO EXCEED FIVE PERCENT OF THE AMOUNT OF MONEY IN THE SPIRITS
6 IMPACT AND RECOVERY ENTERPRISE FUND; AND

7 (II) CARRYING OUT THE PURPOSES OF THIS SECTION.

8 (d) THE BOARD MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS,
9 OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF
10 THIS SECTION, AS LONG AS THE COMBINATION OF GRANTS FROM STATE AND
11 LOCAL GOVERNMENTS IS LESS THAN TEN PERCENT OF THE SPIRITS IMPACT
12 AND RECOVERY ENTERPRISE'S TOTAL REVENUE. ANY MONEY RECEIVED
13 PURSUANT TO THIS SUBSECTION (5)(d) MUST BE TRANSMITTED TO THE
14 STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE SPIRITS IMPACT
15 AND RECOVERY ENTERPRISE FUND.

16 (6) (a) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2027,
17 AND FOR EACH STATE FISCAL YEAR THEREAFTER, UNLESS ADJUSTED
18 PURSUANT TO SUBSECTION (6)(b) OF THIS SECTION, THE SPIRITS IMPACT
19 AND RECOVERY ENTERPRISE IS AUTHORIZED TO CHARGE A SPIRITS IMPACT
20 AND RECOVERY FEE THAT IS REASONABLY CALCULATED BASED ON THE
21 COSTS OF THE SERVICES PROVIDED BY THE SPIRITS IMPACT AND RECOVERY
22 ENTERPRISE FROM EVERY MANUFACTURER OR WHOLESALE ALCOHOL
23 DISTRIBUTOR OF \$0.35 ON EVERY LITER OF SPIRITS DISTRIBUTED IN
24 COLORADO.

25 (b) IF THE SPIRITS IMPACT AND RECOVERY ENTERPRISE FINDS THE
26 SPIRITS IMPACT AND RECOVERY FEE NEEDS TO BE INCREASED OR
27 DECREASED SO THAT THE FEE IS REASONABLY CALCULATED BASED ON THE

1 COSTS OF THE SERVICES PROVIDED BY THE SPIRITS IMPACT AND RECOVERY
2 ENTERPRISE, THE SPIRITS IMPACT AND RECOVERY ENTERPRISE SHALL
3 RECOMMEND THE SPIRITS IMPACT AND RECOVERY FEE INCREASE OR
4 DECREASE TO THE HOUSE OF REPRESENTATIVES FINANCE COMMITTEE AND
5 THE SENATE FINANCE COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, NO
6 LATER THAN DECEMBER 15 PRIOR TO THE STATE FISCAL YEAR DURING
7 WHICH THE ADJUSTMENT WILL BECOME EFFECTIVE. THE
8 RECOMMENDATION MUST INCLUDE PROPOSED INFLATIONARY CHANGES,
9 ANY CHANGES BASED ON THE COSTS OF THE BUSINESS SERVICES PROVIDED
10 BY THE SPIRITS IMPACT AND RECOVERY ENTERPRISE, AND ANY OTHER
11 INFORMATION DEEMED RELEVANT BY THE BOARD. THE SPIRITS IMPACT
12 AND RECOVERY ENTERPRISE SHALL NOT ADJUST THE FEE UNLESS
13 APPROVED BY THE GENERAL ASSEMBLY ACTING BY BILL, AND THE FEE
14 MUST NOT BE GREATER THAN \$0.35 ON EVERY LITER OF SPIRITS
15 DISTRIBUTED IN COLORADO.

16 (c) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL
17 COLLECT, ADMINISTER, AND ENFORCE THE SPIRITS IMPACT AND RECOVERY
18 FEE IMPOSED BY THIS SUBSECTION (6) AS REQUIRED PURSUANT TO SECTION
19 27-83-108.

20 (7) (a) ON SEPTEMBER 1, 2026, OR AS SOON AS POSSIBLE
21 THEREAFTER, THE STATE TREASURER SHALL TRANSFER SIX HUNDRED FIFTY
22 THOUSAND DOLLARS FROM THE GENERAL FUND TO THE SPIRITS IMPACT
23 AND RECOVERY FUND FOR THE PURPOSE OF DEFRAYING EXPENSES
24 INCURRED BY THE SPIRITS IMPACT AND RECOVERY ENTERPRISE BEFORE IT
25 RECEIVES REVENUE FROM THE FEE OR REVENUE BOND PROCEEDS.
26 NOTWITHSTANDING ANY OTHER LAW, THE SPIRITS IMPACT AND RECOVERY
27 ENTERPRISE MAY ACCEPT AND EXPEND ANY MONEY TRANSFERRED, AND,

1 NOTWITHSTANDING ANY STATE FISCAL RULE OR GENERALLY ACCEPTED
2 ACCOUNTING PRINCIPLE THAT COULD OTHERWISE BE INTERPRETED TO
3 REQUIRE A CONTRARY CONCLUSION, THE TRANSFER IS A LOAN FROM THE
4 STATE TREASURER TO THE SPIRITS IMPACT AND RECOVERY ENTERPRISE
5 THAT IS REQUIRED TO BE REPAID AND IS NOT A GRANT FOR PURPOSES OF
6 SECTION 20 (2)(d) OF ARTICLE X OF THE STATE CONSTITUTION OR AS
7 DEFINED IN SECTION 24-77-102. LOAN LIABILITIES THAT ARE RECORDED
8 IN THE SPIRITS IMPACT AND RECOVERY FUND BUT ARE NOT REQUIRED TO
9 BE PAID IN THE CURRENT STATE FISCAL YEAR MUST NOT BE CONSIDERED
10 WHEN CALCULATING SUFFICIENT STATUTORY FUND BALANCE FOR
11 PURPOSES OF SECTION 24-75-109.

12 (b) NO LATER THAN JULY 1, 2029, THE SPIRITS IMPACT AND
13 RECOVERY ENTERPRISE SHALL REPAY THE LOAN OF SIX HUNDRED FIFTY
14 THOUSAND DOLLARS RECEIVED PURSUANT TO SUBSECTION (7)(a) OF THIS
15 SECTION AND ACCUMULATED INTEREST FROM THE SPIRITS IMPACT AND
16 RECOVERY FUND. INTEREST ACCRUES ON THE MONEY BORROWED AT A
17 RATE EQUIVALENT TO THE RATE PER ANNUM ON THE MOST RECENTLY
18 ISSUED TEN-YEAR UNITED STATES TREASURY NOTE, ROUNDED TO THE
19 NEAREST ONE-TENTH OF ONE PERCENT, AS REPORTED BY THE "WALL
20 STREET JOURNAL", AS OF THE DATE THE TRANSFER REQUIRED BY
21 SUBSECTION (7)(a) OF THIS SECTION IS MADE. INTEREST ACCRUES AT THE
22 RATE SPECIFIED IN THIS SUBSECTION (7)(b) BEGINNING ON THAT DATE AND
23 UNTIL THE DATE ON WHICH THE MONEY IS REPAID.

24 (c) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JULY 1, 2031.

25 **27-83-107. Wine impact and recovery enterprise - creation -**
26 **powers and duties - fund - fees - loan - repeal.**

27 (1) (a) THE WINE IMPACT AND RECOVERY ENTERPRISE IS CREATED

1 IN THE BEHAVIORAL HEALTH ADMINISTRATION. THE PRIMARY BUSINESS
2 PURPOSE OF THE WINE IMPACT AND RECOVERY ENTERPRISE IS DEFRAID THE
3 DIRECT AND INDIRECT COSTS ASSOCIATED WITH MITIGATING HARMS
4 CAUSED BY WINE MANUFACTURED OR DISTRIBUTED IN THE STATE. TO
5 ALLOW THE WINE IMPACT AND RECOVERY ENTERPRISE TO ACCOMPLISH
6 THIS BUSINESS PURPOSE, THE WINE IMPACT AND RECOVERY ENTERPRISE
7 SHALL PROVIDE:

8 (I) BUSINESS-RELATED SERVICES FOR ALCOHOL USE DISORDER AND
9 FETAL ALCOHOL SPECTRUM DISORDER; AND

10 (II) A SUSTAINABLE SOURCE OF MONEY TO PAY FOR THE SERVICES
11 DESCRIBED IN SUBSECTION (1)(a)(I) OF THIS SECTION.

12 (b) THE WINE IMPACT AND RECOVERY ENTERPRISE IS AND
13 OPERATES AS A GOVERNMENT-OWNED BUSINESS WITHIN THE BEHAVIORAL
14 HEALTH ADMINISTRATION FOR THE PURPOSES OF:

15 (I) CHARGING, COLLECTING, AND EXPENDING MONEY FROM THE
16 WINE IMPACT AND RECOVERY FEE; AND

17 (II) UTILIZING THE MONEY COLLECTED FROM THE WINE IMPACT
18 AND RECOVERY FEE TO EQUITABLY DISTRIBUTE THE MONEY TO SUPPORT
19 THE SERVICES DESCRIBED IN SUBSECTION (1)(a)(I) OF THIS SECTION IN
20 COMMUNITIES THROUGHOUT THE STATE BASED ON THE IDENTIFIED NEEDS
21 OF EACH COMMUNITY, INCLUDING:

22 (A) PROVIDING ALCOHOL IMPACT DATA COLLECTION, ANALYSIS,
23 AND REPORTING BACK TO THE MANUFACTURER OR WHOLESALE ALCOHOL
24 DISTRIBUTORS; AND

25 (B) ACCESS TO INTEGRATED BEHAVIORAL HEALTH AND RECOVERY
26 SERVICES AND PROGRAMS ACROSS THE CONTINUUM OF CARE, INCLUDING
27 FAMILY-BASED AND COMMUNITY-CENTERED TREATMENT OPTIONS,

1 FACILITATED BY PROVIDERS IN THE BEHAVIORAL HEALTH
2 ADMINISTRATION'S PROVIDER NETWORK, AS ADMINISTERED BY
3 BEHAVIORAL HEALTH ADMINISTRATIVE SERVICES ORGANIZATIONS, WITH
4 PRIORITIZATION FOR PROGRAMS AND SERVICES THAT SERVE VETERANS;
5 AND

6 (c) THE WINE IMPACT AND RECOVERY ENTERPRISE IS GOVERNED BY
7 THE BOARD.

8 (2) THE WINE IMPACT AND RECOVERY ENTERPRISE CONSTITUTES
9 AN ENTERPRISE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE
10 CONSTITUTION WHILE IT RETAINS THE AUTHORITY TO ISSUE REVENUE
11 BONDS AND RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL REVENUE IN
12 GRANTS FROM ALL COLORADO STATE AND LOCAL GOVERNMENTS
13 COMBINED. AS LONG AS THE WINE IMPACT AND RECOVERY ENTERPRISE
14 CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (2), IT IS
15 NOT SUBJECT TO ANY PROVISIONS OF SECTION 20 OF ARTICLE X OF THE
16 STATE CONSTITUTION.

17 (3) THE WINE IMPACT AND RECOVERY ENTERPRISE IS A **TYPE 2**
18 ENTITY AS DEFINED IN SECTION 24-1-105 AND EXERCISES ITS POWERS AND
19 PERFORMS ITS DUTIES UNDER THE BEHAVIORAL HEALTH ADMINISTRATION.

20 (4) THE WINE IMPACT AND RECOVERY ENTERPRISE'S PRIMARY
21 POWERS AND DUTIES ARE:

22 (a) TO CHARGE AND COLLECT THE WINE IMPACT AND RECOVERY
23 FEE; AND

24 (b) TO EXPEND WINE IMPACT AND RECOVERY FEE REVENUE,
25 MATCHING FEDERAL MONEY, AND ANY OTHER MONEY FROM THE WINE
26 IMPACT AND RECOVERY FUND.

27 (5) (a) THE WINE IMPACT AND RECOVERY ENTERPRISE FUND IS

1 CREATED IN THE STATE TREASURY. THE WINE IMPACT AND RECOVERY
2 ENTERPRISE FUND CONSISTS OF MONEY CREDITED TO THE WINE IMPACT
3 AND RECOVERY ENTERPRISE FUND AND ANY GIFTS, GRANTS, OR
4 DONATIONS RECEIVED PURSUANT TO SUBSECTION (5)(d) OF THIS SECTION.

5 (b) THE MONEY IN THE WINE IMPACT AND RECOVERY ENTERPRISE
6 FUND MUST NOT BE DEPOSITED INTO OR TRANSFERRED TO THE GENERAL
7 FUND OR ANY OTHER FUND. THE STATE TREASURER SHALL CREDIT ALL
8 INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF
9 MONEY IN THE WINE IMPACT AND RECOVERY ENTERPRISE FUND TO THE
10 WINE IMPACT AND RECOVERY ENTERPRISE FUND. ANY UNENCUMBERED
11 MONEY IN THE WINE IMPACT AND RECOVERY ENTERPRISE FUND REMAINS
12 IN THE WINE IMPACT AND RECOVERY ENTERPRISE FUND AND MUST NOT BE
13 CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

14 (c) MONEY IN THE WINE IMPACT AND RECOVERY ENTERPRISE FUND
15 IS CONTINUOUSLY APPROPRIATED TO THE WINE IMPACT AND RECOVERY
16 ENTERPRISE FOR THE PURPOSES OF:

17 (I) PAYING FOR ANY DIRECT AND INDIRECT ADMINISTRATIVE
18 EXPENSES INCURRED BY THE WINE IMPACT AND RECOVERY ENTERPRISE,
19 NOT TO EXCEED FIVE PERCENT OF THE AMOUNT OF MONEY IN THE WINE
20 IMPACT AND RECOVERY ENTERPRISE FUND; AND

21 (II) CARRYING OUT THE PURPOSES OF THIS SECTION.

22 (d) THE BOARD MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS,
23 OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF
24 THIS SECTION, AS LONG AS THE COMBINATION OF GRANTS FROM STATE AND
25 LOCAL GOVERNMENTS IS LESS THAN TEN PERCENT OF THE WINE IMPACT
26 AND RECOVERY ENTERPRISE'S TOTAL REVENUE. ANY MONEY RECEIVED
27 PURSUANT TO THIS SUBSECTION (5)(d) MUST BE TRANSMITTED TO THE

1 STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE WINE IMPACT
2 AND RECOVERY ENTERPRISE FUND.

3 (6) (a) FOR THE STATE FISCAL YEAR COMMENCING JULY 1, 2027,
4 AND FOR EACH STATE FISCAL YEAR THEREAFTER, UNLESS ADJUSTED
5 PURSUANT TO SUBSECTION (6)(b) OF THIS SECTION, THE WINE IMPACT AND
6 RECOVERY ENTERPRISE IS AUTHORIZED TO CHARGE A WINE IMPACT AND
7 RECOVERY FEE THAT IS REASONABLY CALCULATED BASED ON THE COSTS
8 OF THE SERVICES PROVIDED BY THE WINE IMPACT AND RECOVERY
9 ENTERPRISE FROM EVERY MANUFACTURER OR WHOLESALE ALCOHOL
10 DISTRIBUTOR OF \$0.07 ON EVERY LITER OF WINE DISTRIBUTED IN
11 COLORADO.

12 (b) IF THE WINE IMPACT AND RECOVERY ENTERPRISE FINDS THE
13 WINE IMPACT AND RECOVERY FEE NEEDS TO BE INCREASED OR DECREASED
14 SO THAT THE FEE IS REASONABLY CALCULATED BASED ON THE COSTS OF
15 THE SERVICES PROVIDED BY THE WINE IMPACT AND RECOVERY
16 ENTERPRISE, THE WINE IMPACT AND RECOVERY ENTERPRISE SHALL
17 RECOMMEND THE WINE IMPACT AND RECOVERY FEE INCREASE OR
18 DECREASE TO THE HOUSE OF REPRESENTATIVES FINANCE COMMITTEE AND
19 THE SENATE FINANCE COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, NO
20 LATER THAN DECEMBER 15 PRIOR TO THE STATE FISCAL YEAR DURING
21 WHICH THE ADJUSTMENT WILL BECOME EFFECTIVE. THE
22 RECOMMENDATION MUST INCLUDE PROPOSED INFLATIONARY CHANGES,
23 ANY CHANGES BASED ON THE COSTS OF THE BUSINESS SERVICES PROVIDED
24 BY THE WINE IMPACT AND RECOVERY ENTERPRISE, AND ANY OTHER
25 INFORMATION DEEMED RELEVANT BY THE BOARD. THE WINE IMPACT AND
26 RECOVERY ENTERPRISE SHALL NOT ADJUST THE FEE UNLESS APPROVED BY
27 THE GENERAL ASSEMBLY ACTING BY BILL, AND THE FEE MUST NOT BE

1 GREATER THAN \$0.07 ON EVERY LITER OF SPIRITS DISTRIBUTED IN
2 COLORADO.

3 (c) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL
4 COLLECT, ADMINISTER, AND ENFORCE THE WINE IMPACT AND RECOVERY
5 FEE IMPOSED BY THIS SUBSECTION (6) AS REQUIRED PURSUANT TO SECTION
6 27-83-108.

7 (7) (a) ON SEPTEMBER 1, 2026, OR AS SOON AS POSSIBLE
8 THEREAFTER, THE STATE TREASURER SHALL TRANSFER SIX HUNDRED FIFTY
9 THOUSAND DOLLARS FROM THE GENERAL FUND TO THE WINE IMPACT AND
10 RECOVERY FUND FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED BY
11 THE WINE IMPACT AND RECOVERY ENTERPRISE BEFORE IT RECEIVES
12 REVENUE FROM THE WINE IMPACT AND RECOVERY FEE OR REVENUE BOND
13 PROCEEDS. NOTWITHSTANDING ANY OTHER LAW, THE WINE IMPACT AND
14 RECOVERY ENTERPRISE MAY ACCEPT AND EXPEND ANY MONEY
15 TRANSFERRED, AND, NOTWITHSTANDING ANY STATE FISCAL RULE OR
16 GENERALLY ACCEPTED ACCOUNTING PRINCIPLE THAT COULD OTHERWISE
17 BE INTERPRETED TO REQUIRE A CONTRARY CONCLUSION, THE TRANSFER
18 IS A LOAN FROM THE STATE TREASURER TO THE WINE IMPACT AND
19 RECOVERY ENTERPRISE THAT IS REQUIRED TO BE REPAID AND IS NOT A
20 GRANT FOR PURPOSES OF SECTION 20 (2)(d) OF ARTICLE X OF THE STATE
21 CONSTITUTION OR AS DEFINED IN SECTION 24-77-102. LOAN LIABILITIES
22 THAT ARE RECORDED IN THE WINE IMPACT AND RECOVERY FUND BUT ARE
23 NOT REQUIRED TO BE PAID IN THE CURRENT STATE FISCAL YEAR MUST NOT
24 BE CONSIDERED WHEN CALCULATING SUFFICIENT STATUTORY FUND
25 BALANCE FOR PURPOSES OF SECTION 24-75-109.

26 (b) NO LATER THAN JULY 1, 2029, THE WINE IMPACT AND
27 RECOVERY ENTERPRISE SHALL REPAY THE LOAN OF SIX HUNDRED FIFTY

1 THOUSAND DOLLARS RECEIVED PURSUANT TO SUBSECTION (7)(a) OF THIS
2 SECTION AND ACCUMULATED INTEREST FROM THE WINE IMPACT AND
3 RECOVERY FUND. INTEREST ACCRUES ON THE MONEY BORROWED AT A
4 RATE EQUIVALENT TO THE RATE PER ANNUM ON THE MOST RECENTLY
5 ISSUED TEN-YEAR UNITED STATES TREASURY NOTE, ROUNDED TO THE
6 NEAREST ONE-TENTH OF ONE PERCENT, AS REPORTED BY THE "WALL
7 STREET JOURNAL", AS OF THE DATE THE TRANSFER REQUIRED BY
8 SUBSECTION (7)(a) OF THIS SECTION IS MADE. INTEREST ACCRUES AT THE
9 RATE SPECIFIED IN THIS SUBSECTION (7)(b) BEGINNING ON THAT DATE AND
10 UNTIL THE DATE ON WHICH THE MONEY IS REPAYED.

11 (c) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JULY 1, 2031.

12 **27-83-108. Fees collection - department of revenue - rules -**
13 **fund.**

14 (1) (a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL
15 COLLECT, ADMINISTER, AND ENFORCE THE BEER, CIDER, AND APPLE WINE
16 IMPACT AND RECOVERY FEE IMPOSED PURSUANT TO SECTION 27-83-105,
17 THE SPIRITS IMPACT AND RECOVERY FEE IMPOSED PURSUANT TO SECTION
18 27-83-106, AND THE WINE IMPACT AND RECOVERY FEE IMPOSED PURSUANT
19 TO SECTION 27-83-107 IN THE SAME MANNER AS THE COLLECTION,
20 ADMINISTRATION, AND ENFORCEMENT OF STATE ALCOHOL EXCISE TAXES
21 IMPOSED PURSUANT TO SECTION 44-3-503. A MANUFACTURER OR
22 WHOLESALE ALCOHOL DISTRIBUTOR THAT PAYS THE BEER, CIDER, AND
23 APPLE WINE IMPACT AND RECOVERY FEE IMPOSED BY SECTION 27-83-105,
24 THE SPIRITS IMPACT AND RECOVERY FEE IMPOSED BY SECTION 27-83-106,
25 OR THE WINE IMPACT AND RECOVERY FEE IMPOSED BY SECTION 27-83-107
26 SHALL REMIT THE FEE TO THE DEPARTMENT AT THE SAME TIME AND IN THE
27 SAME MANNER IN WHICH THE MANUFACTURER OR WHOLESALE ALCOHOL

1 DISTRIBUTOR REMITS THE STATE ALCOHOL EXCISE TAXES COLLECTED BY
2 THE MANUFACTURER OR WHOLESALE ALCOHOL DISTRIBUTOR AS REQUIRED
3 PURSUANT TO SECTION 44-3-503. THE DEPARTMENT MAY ADOPT RULES TO
4 IMPLEMENT THIS SECTION.

5 (b) (I) THE ALCOHOL IMPACT AND RECOVERY ENTERPRISES FEE
6 COLLECTION FUND IS CREATED IN THE STATE TREASURY. THE ALCOHOL
7 IMPACT AND RECOVERY ENTERPRISES FEE COLLECTION FUND CONSISTS OF
8 MONEY CREDITED TO THE ALCOHOL IMPACT AND RECOVERY ENTERPRISES
9 FEE COLLECTION FUND PURSUANT TO THIS SECTION.

10 (II) WHEN COLLECTING THE BEER, CIDER, AND APPLE WINE IMPACT
11 AND RECOVERY FEE, THE SPIRITS IMPACT AND RECOVERY FEE, AND THE
12 WINE IMPACT AND RECOVERY FEE, THE DEPARTMENT SHALL RETAIN AN
13 AMOUNT THAT DOES NOT EXCEED THE TOTAL COST OF COLLECTING,
14 ADMINISTERING, AND ENFORCING THE FEE AND SHALL TRANSMIT THE
15 AMOUNT RETAINED TO THE STATE TREASURER, WHO SHALL CREDIT IT TO
16 THE ALCOHOL IMPACT ENTERPRISES FEE COLLECTION FUND.

17 (III) ALL MONEY IN THE ALCOHOL IMPACT AND RECOVERY
18 ENTERPRISES FEE COLLECTION FUND IS ANNUALLY APPROPRIATED TO THE
19 DEPARTMENT TO DEFRAY THE COSTS INCURRED BY THE DEPARTMENT IN
20 COLLECTING, ENFORCING, AND ADMINISTERING THE BEER, CIDER, AND
21 APPLE WINE IMPACT AND RECOVERY FEE, THE SPIRITS IMPACT AND
22 RECOVERY FEE, AND THE WINE IMPACT AND RECOVERY FEE.

23 (c) THE DEPARTMENT SHALL TRANSMIT ALL THE BEER, CIDER, AND
24 APPLE WINE IMPACT AND RECOVERY FEE, THE SPIRITS IMPACT AND
25 RECOVERY FEE, AND THE WINE IMPACT AND RECOVERY FEE REVENUE, LESS
26 ANY AMOUNT RETAINED PURSUANT TO SUBSECTION (1)(b) OF THIS
27 SECTION, TO THE STATE TREASURER, WHO SHALL CREDIT THE NET

1 REVENUE TO THE APPROPRIATE, CORRESPONDING BEER, CIDER, AND APPLE
2 WINE IMPACT AND RECOVERY FUND, SPIRITS IMPACT AND RECOVERY FUND,
3 OR WINE IMPACT AND RECOVERY FUND.

4 (2) (a) EFFECTIVE JULY 1, 2027, EACH MANUFACTURER OR
5 WHOLESALE ALCOHOL DISTRIBUTOR SHALL PAY THE BEER, CIDER, AND
6 APPLE WINE IMPACT AND RECOVERY FEE, THE SPIRITS IMPACT AND
7 RECOVERY FEE, AND THE WINE IMPACT AND RECOVERY FEE FOR ALCOHOL
8 DISTRIBUTED IN COLORADO.

9 (b) ON OR BEFORE JANUARY 15, 2028, AND ON OR BEFORE
10 JANUARY 15 OF EACH YEAR THEREAFTER, EACH MANUFACTURER OR
11 WHOLESALE ALCOHOL DISTRIBUTER SHALL REPORT TO THE BEER, CIDER,
12 AND APPLE WINE IMPACT AND RECOVERY ENTERPRISE, THE SPIRITS IMPACT
13 AND RECOVERY ENTERPRISE, AND THE WINE IMPACT AND RECOVERY
14 ENTERPRISE THE AMOUNT OF ALCOHOL DISTRIBUTED IN COLORADO
15 DURING THE PRECEDING STATE FISCAL YEAR, IN A FORM AND MANNER
16 DETERMINED BY EACH ENTERPRISE.

17 **27-83-109. Reporting and auditing.**

18 (1) (a) ON OR BEFORE FEBRUARY 1, 2029, AND ON OR BEFORE
19 FEBRUARY 1 EACH YEAR THEREAFTER, THE BOARD SHALL SUBMIT A
20 WRITTEN REPORT TO THE HEALTH AND HUMAN SERVICES COMMITTEE OF
21 THE SENATE AND THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE
22 HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES. AT A
23 MINIMUM, THE REPORT MUST INCLUDE:

24 (I) A DESCRIPTION OF THE OUTCOMES OF THE SERVICES SUPPORTED
25 BY THE BEER, CIDER, AND APPLE WINE IMPACT AND RECOVERY FEE, THE
26 SPIRITS IMPACT AND RECOVERY FEE, AND THE WINE IMPACT AND
27 RECOVERY FEE; AND

1 (II) THE INFORMATION REPORTED TO THE BEER, CIDER, AND APPLE
2 WINE IMPACT AND RECOVERY ENTERPRISE, THE SPIRITS IMPACT AND
3 RECOVERY ENTERPRISE, AND THE WINE IMPACT AND RECOVERY
4 ENTERPRISE DESCRIBED IN SECTION 27-83-108 (2).

5 (b) NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136
6 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN THIS
7 (1) CONTINUES INDEFINITELY.

8 (2) DURING THE 2032-33 STATE FISCAL YEAR, AND DURING EVERY
9 FOURTH STATE FISCAL YEAR THEREAFTER, THE STATE AUDITOR SHALL
10 CONDUCT AN AUDIT OF THE BEER, CIDER, AND APPLE WINE IMPACT AND
11 RECOVERY ENTERPRISE, THE SPIRITS IMPACT AND RECOVERY ENTERPRISE,
12 AND THE WINE IMPACT AND RECOVERY ENTERPRISE. EACH ENTERPRISE
13 SHALL PAY THE COSTS OF THE AUDITS OF ITS ENTERPRISE. THE STATE
14 AUDITOR SHALL REPORT THE FINDINGS FROM THE AUDITS, ALONG WITH
15 ANY COMMENTS AND RECOMMENDATIONS, TO THE JOINT AUDIT
16 COMMITTEE AND TO THE HEALTH AND HUMAN SERVICES COMMITTEE OF
17 THE SENATE AND THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE
18 HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES. THE
19 STATE AUDITOR HAS CONTINUING AUTHORITY TO CONDUCT AUDITS OF THE
20 BEER, CIDER, AND APPLE WINE IMPACT AND RECOVERY ENTERPRISE, THE
21 SPIRITS IMPACT AND RECOVERY ENTERPRISE, AND THE WINE IMPACT AND
22 RECOVERY ENTERPRISE AS THE STATE AUDITOR DEEMS APPROPRIATE.

23 **SECTION 2.** In Colorado Revised Statutes, **add 44-3-503.5** as
24 follows:

25 **44-3-503.5. Impact and recovery fees collection.**

26 THE EXECUTIVE DIRECTOR SHALL COLLECT, ADMINISTER, AND
27 ENFORCE THE BEER, CIDER, AND APPLE WINE IMPACT AND RECOVERY FEE

1 IMPOSED PURSUANT TO SECTION 27-83-105, THE SPIRITS IMPACT AND
2 RECOVERY FEE IMPOSED PURSUANT TO SECTION 27-83-106, AND THE WINE
3 IMPACT AND RECOVERY FEE IMPOSED PURSUANT TO SECTION 27-83-107,
4 AS REQUIRED PURSUANT TO SECTION 27-83-108.

5 **SECTION 3. Act subject to petition - effective date.** This act
6 takes effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly (August
8 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
9 referendum petition is filed pursuant to section 1 (3) of article V of the
10 state constitution against this act or an item, section, or part of this act
11 within such period, then the act, item, section, or part will not take effect
12 unless approved by the people at the general election to be held in
13 November 2026 and, in such case, will take effect on the date of the
14 official declaration of the vote thereon by the governor.